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Human resources management

Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

Seconded active-duty military and police personnel

Report of the Secretary-General

Summary

The present report is submitted in response to General Assembly resolution 68/252, in which the Assembly requested the Secretary-General to intensify his engagement with Member States with a view to identifying alternative solutions for addressing the conflicts between national legislation and the Staff Regulations and Rules of the United Nations regarding the secondment of active-duty military and police personnel.

The report describes developments concerning the issue and proposes a way forward for addressing such conflicts.

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I. Introduction

1. In his report on the overview of the financing of the United Nations peacekeeping operations: budget performance for the period from 1 July 2011 to 30 June 2012 and budget for the period from 1 July 2013 to 30 June 2014 (A/67/723), the Secretary-General brought to the attention of the General Assembly the conflict between the Staff Regulations and Rules of the United Nations and the national legislation of some Member States with respect to their active-duty military and police personnel seconded to the Secretariat. In its resolution 67/287, the Assembly noted the difficulties related to the secondment of active-duty military and police personnel against posts and requested the Secretary-General to report to the Assembly during the main part of its sixty-eighth session on proposals for its consideration, and, as an exceptional measure not to be extended beyond 31 December 2013, to facilitate the full participation of all Member States in seconding active-duty officers.

2. The Secretary-General, in his report on seconded active-duty military and police personnel (A/68/495), described the difficulties encountered in the secondment of military and police personnel recruited against posts in the Secretariat and proposed amendments to certain staff regulations and rules (staff regulation 1.1 (b) — written declaration; and staff regulation 1.2 (j) and staff rule 1.2 (l) — honours, gifts or remuneration) in an effort to address potential conflicts between national legislation and the Staff Regulations and Rules. In addition, the Secretary-General suggested amendments to staff rule 4.15 on the central review bodies and changes to the on-boarding process. Those initial proposals have been updated in the present report (see annexes I and II).

3. Following its consideration of the report, the General Assembly, in its resolution 68/252, requested the Secretary-General to extend for a further three years the exceptional measures authorized in paragraph 21 of its resolution 67/287 and to intensify his engagement with Member States with a view to identifying alternative solutions for addressing the conflicts between national legislation and the Staff Regulations and Rules of the United Nations regarding the secondment of active-duty military and police personnel. The Assembly also requested the Secretary-General to submit to it for consideration at the main part of its seventieth session a report regarding developments on the issue and, if necessary, a new proposal.

4. The present report describes the efforts made to identify potential conflicts between national legislation and the Staff Regulations and Rules and the exceptional measures implemented by the Secretariat, as approved by the General Assembly in its resolution 67/287.

II. Conflict or potential conflict with national legislation

5. Seconded active-duty military and police officers make up a unique category of staff serving in the United Nations, as they are in active service with both their Governments and the United Nations. As such, they are subject to the regulations and rules that govern their service with both entities. In some instances, national legislation prohibits active-duty military or police personnel from accepting remuneration from an outside organization. In others, the payment of certain

benefits to personnel is required for them to remain in active status. Such situations conflict with United Nations staff regulation 1.2 (j), which prohibits staff from accepting any honour, decoration, favour, gift or remuneration from any Government.

6. To better understand such conflicts, and in compliance with General Assembly resolutions 67/287 and 68/252, the Secretariat circulated to all Member States a note verbale, dated 20 June 2014, requesting Member States to provide information on any potential conflicts between their national legislation and the Staff Regulations and Rules that might have an impact on the contractual obligations of active-duty military and police officers holding a United Nations staff appointment. Given the complexity of the matter, the deadline of 15 August 2014 was extended to 15 September 2014, and a reminder was sent on 1 September 2014. As at 1 June 2015,[1] the Secretariat had received 20 responses from Member States, which represents an 11 per cent response rate. Of the 20 responses received, 12 reported conflicts or potential conflicts between their national legislation and the Staff Regulations and Rules. In those instances, the national legislation either provided for additional salary payments, prohibited the receipt of remuneration or benefits from the United Nations or provided for the payment of pension contributions. Four other Member States reported that the United Nations compensation package, compared with their nationally legislated compensation package, was not as appealing and hence could not attract military and police officers to apply for active-duty posts in the Secretariat. As an incentive for service with the United Nations, a number of Member States advised that they were exploring the feasibility of implementing an exceptional measure that would permit their active-duty military and police personnel, if seconded to the United Nations, to accept remuneration from the Government to facilitate their participation in the secondment of active-duty officers. Four other Member States reported no conflict between national legislation and the Staff Regulations and Rules.

7. The low response rate from Member States has made it difficult for the Secretariat to draw conclusions regarding national legislation and remuneration and benefits provided to active-duty seconded officers serving at Headquarters and in peacekeeping operations.

8. As part of the internal review process, and as noted in the note verbale addressed to Member States in June 2014, in accordance with the administrative instructions on reporting, retaining and disposing of honours, decorations, favours, gifts or remuneration from governmental and non-governmental sources (ST/AI/2010/1), all 128 active-duty seconded officers serving at Headquarters in October 2014 were requested to complete a survey reporting any payments, benefits and/or allowances that they might be receiving from their national Governments as a result of their active-duty status. A total of 111 responses was received, covering 53 Member States. Of the seconded officers who responded, 19 staff members from nine Member States reported receiving some form of remuneration from their national Governments, consisting of a small basic salary, allowances and/or pension

[1] Initial results of the survey, as at 1 January 2015, were shared with Member States in the report of the Secretary-General on the overview of the financing of the United Nations peacekeeping operations: budget performance for the period from 1 July 2013 to 30 June 2014 and budget for the period from 1 July 2015 to 30 June 2016 (A/69/751/Rev.1). The present report contains updated data.

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contributions. Those nine Member States had not responded to the notes verbales circulated by the Secretariat in June and September 2014 or to follow-up communications seeking clarification as to whether the payments made to their seconded active-duty officers were required by national legislation. Despite the survey and further follow-up, the full extent to which active-duty seconded officers are receiving remuneration and benefits from their respective Member States is not clear.

9. In reviewing the information provided by Member States on conflicts or potential conflicts between national legislation and the Staff Regulations and Rules, as well as the results of the survey of seconded active-duty military and police personnel, it was noted that a number of Governments continued to make contributions to the seconded officers' pension schemes. Under the tripartite secondment agreement, the parties agree to the secondment on the condition that the Government protect all pension and promotion rights of the staff member, who would retain the right to return to service to the Government after the expiration of the appointment on secondment. Since the protection of pension rights is provided for in section II of General Assembly resolution 45/239, the payment of pension contributions to a national pension scheme on behalf of a seconded active-duty military or police officer during his or her service with the Organization is not considered to be in conflict with the Staff Regulations and Rules and may continue.

III. Exceptional measures implemented by the Secretariat

10. To date, the Secretariat has implemented the following exceptional measures on two occasions, according to the terms set out in General Assembly resolution 67/287:

(a) *Active-duty seconded officer on temporary appointment*. Pursuant to paragraph 31 of General Assembly resolution 68/252, an active-duty military officer was appointed on secondment from a Member State on temporary appointment. Under that measure, the United Nations salary was paid to the Government, while the staff member continued to receive a salary from his Government, and the content of the declaration under staff regulation 1.1 (b) was modified to address any potential conflict;

(b) *Active-duty seconded officer on fixed-term appointment*. The recruitment of an active-duty officer under a fixed-term appointment followed a similar arrangement. The salary, post adjustment and allowances were paid to a Government account specified by the staff member and the official travel expenses, including the assignment grant, were paid directly to the staff member's personal account.

11. Currently, the Secretariat is reviewing, in cooperation with the affected staff members and the concerned Member States, three additional cases that may warrant the implementation of exceptional measures.

IV. Guiding principles for resolving the conflict between national legislation and the Staff Regulations and Rules

12. In reflecting on the information from Member States presented in document A/68/495, the Secretariat again considered that any viable option to address the identified conflicts with national legislation and challenges must:

(a) Enable all Member States to participate;

(b) Ensure that the same contractual modality applies to all seconded active-duty military and police personnel;

(c) Provide the necessary accountabilities to enable seconded active-duty military and police personnel to carry out the full functions of their position, including staff supervision and/or the commitment of funds and/or resources;

(d) Ensure that seconded active-duty military and police personnel remain subject to the disciplinary authority of the Secretary-General;

(e) Not create a separate category of staff to whom different values and rules apply;

(f) Address the conflict between the provisions of the Staff Regulations and Rules and the national legislation of certain Member States.

V. Next steps

13. While the exceptional measures approved by the General Assembly in its resolutions 67/287 and 68/252 enabled the Secretariat to address some of the immediate and specific challenges posed by the national legislation of certain Member States, the efforts of the Secretariat to capture fully the breadth and depth of those challenges have not been as fruitful as expected. Thus, in presenting recommendations to resolve the identified conflict (see annexes I and II), the Secretariat recognizes that further effort and time is required.

14. The Secretary-General intends to report annually to the General Assembly in the context of his report on the overview of the financing of the United Nations peacekeeping operations on further steps taken to obtain the required information and apply the exceptional measures approved by the Assembly in its resolutions 67/287 and 68/252.

15. The Secretary-General intends to request seconded active-duty officers to disclose any remuneration or benefits received from their Governments. If an officer discloses the receipt of remuneration or benefits, the Secretariat will work with the relevant Member State to ascertain whether the remuneration or benefits are required by national legislation. The General Assembly may wish to emphasize the importance of all Member States cooperating with the Secretariat in gathering the full breadth and scope of information required regarding any conflict between national legislation and the Staff Regulations and Rules in the secondment of active-duty military and police personnel.

16. Because the information received from Member States was not sufficient, it has not been possible to develop a new proposal for addressing conflicts. The Secretary-General thus requests the General Assembly to consider an extension of

the application of the exceptional measures authorized in its resolutions 67/287 and 68/252 to facilitate the submission of the required information and, in the interim, to enable the full participation of all Member States in seconding active-duty officers.

VI. Action to be taken by the General Assembly

17. **The General Assembly is requested to:**

(a) **Take note of the additional information provided in the present report on the application of the exceptional measures authorized by the General Assembly in its resolution 67/287;**

(b) **Consider an extension of the application of the exceptional measures authorized by the General Assembly in its resolutions 67/287 and 68/252 in cases in which national legislation prohibits seconded active-duty military or police personnel from accepting remuneration and benefits from the United Nations or in which national legislation requires that the officer continue to receive certain benefits from the Government;**

(c) **Request all Member States to cooperate fully with requests for information by the Secretariat on any potential conflicts between their national legislation and the Staff Regulations and Rules as well as on remuneration and benefits provided to active-duty seconded officers.**

Annex I

Recommendations for amending the Staff Regulations and Rules to resolve conflicts relating to secondment

Amendment of staff regulation 1.1 (b) — written declaration

1. In order to address the potential conflict involving dual loyalty to both the national Government and the United Nations, the Secretary-General recommends that a written declaration be signed by all seconded active-duty military and police personnel under staff regulation 1.1 (b) and that an additional undertaking be included in order for such personnel to inform the United Nations of any conflict between the declaration and the oath or affirmation of office made with their national authorities. In this respect, the Secretary-General suggests that the additional declaration for seconded active-duty military and police personnel be set out in an amended staff regulation 1.1 (b) as follows (suggested changes are shown in boldface):

> (b) Staff members shall make the following written declaration witnessed by the Secretary-General or his or her authorized representative:
>
> "I solemnly declare and promise to exercise in all loyalty, discretion and conscience the functions entrusted to me as an international civil servant of the United Nations, to discharge these functions and regulate my conduct with the interests of the United Nations only in view, and not to seek or accept instructions in regard to the performance of my duties from any Government or other source external to the Organization.
>
> "I also solemnly declare and promise to respect the obligations incumbent upon me as set out in the Staff Regulations and Rules."

Military and police personnel on secondment from government service, who are appointed to posts specifically approved for active-duty military and police personnel, shall make an additional written declaration as follows:

> **"In the event of any conflict between the declaration made by me under the present staff regulation and the oath or affirmation of office made by me as a member of my Government, I shall immediately inform the United Nations and offer to resign forthwith in order to fulfil my obligations under that oath or affirmation."**

2. Where a conflict does arise between the written declaration with the United Nations and an oath or affirmation made by a seconded officer to his or her Government, and the seconded officer does not offer to submit his or her resignation, disciplinary proceedings would be initiated and the seconded officer would be separated.

Amendment of staff regulation 1.2 (j) and related staff rule 1.2 (l) — honours, gifts or remuneration

3. If there is no conflict between national legislation and the Staff Regulations and Rules of the United Nations, but the United Nations compensation is lower than

the national compensation, the implementation of exceptional measures would require that, for military and police personnel on secondment from government service, staff regulation 1.2 (j) and related staff rule 1.2 (l) be amended, as follows (changes are shown in boldface):

Staff regulation 1.2

(j) No staff member shall accept any honour, decoration, favour, gift or remuneration from any Government. **Military and police personnel on secondment from government service who are appointed to posts specifically approved for active-duty military and police personnel may be permitted to accept remuneration from their Governments on terms and conditions specified by the Secretary-General in their letters of appointment.**

Staff rule 1.2

(l) No staff member shall accept any honour, decoration, favour, gift or remuneration from any Government, **except as permitted under staff regulation 1.2 (j)**.

Annex II

Revision of the Secretary-General's bulletin on the central review bodies and changes in the on-boarding process

1. As the nomination and selection process for seconded active-duty military and police personnel does not involve review by central review bodies, the Secretary-General will revise his bulletin on the central review bodies in order to clarify that these bodies do not advise on the appointment of active-duty military and police personnel.

2. Where national legislation prohibits seconded active-duty military or police personnel from accepting remuneration and benefits from the United Nations, or where national legislation requires that the seconded active-duty officers continue to receive certain benefits from their Governments, the Secretary-General considers it most desirable for Member States to consider amending their national legislation in order to respect the exclusively international character and responsibilities of United Nations staff. Should this not be feasible or take considerable time to achieve, the Secretary-General requests the approval of the General Assembly to continue to apply the exceptional measures authorized in its resolutions 67/287 and 68/252 to enable the full participation of all Member States in seconding active-duty officers to the United Nations.

3. During the on-boarding process, seconded active-duty military and police personnel would be required to disclose whether their national legislation either prohibits them from receiving remuneration from the Organization or requires them to continue to accept certain remuneration while in active service on secondment with the Organization. A determination would then be made as to whether to allow a seconded officer to receive remuneration from his or her national Government. If the determination were allowed, under amended staff regulation 1.2 (j) and staff rule 1.2 (l), it would be reflected in the letter of appointment. Where national legislation prohibits the seconded officer from receiving remuneration from the Organization, the officer would be permitted to continue to be remunerated by his or her Government, and the United Nations salary would be remitted to the Government. Where national legislation does not prohibit seconded officers from accepting remuneration from the Organization but requires them to accept certain remuneration from their Governments, the officers would be required to disclose the remuneration and/or benefits payable by their national Governments and explain the national legislation requiring that such payments be made. In such cases, the United Nations would pay the seconded officers in accordance with the Staff Regulations and Rules and would make appropriate adjustments to their United Nations remuneration in order to provide equity of treatment of officers. Irrespective of such arrangements, all seconded officers would continue to be prohibited from accepting any honour, decoration, favour or gift from any Government. If, by virtue of his or her active-duty status with a Government, a seconded officer has cause to be influenced in his or her actions, in particular any action that might reflect on his or her position as an international official responsible only to the Organization, the seconded officer has the obligation to make that fact known to the Organization at the first opportunity (Articles 100 and 101 of the Charter of the United Nations).

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Human resources management

Amendments to the Staff Regulations and Rules

Report of the Secretary-General

Summary

Consistent with staff regulations 12.1 and 12.3, the present report contains the full text of amendments to the Staff Regulations and Rules required for the implementation of the new common system compensation package, including the amended Staff Rules promulgated provisionally on 1 July 2016 pursuant to General Assembly resolution 70/244. In addition, the report contains the full text of amendments to the Staff Regulations and Rules proposed by the Secretary-General in earlier reports (A/69/117 and A/70/135), which were not considered at the sixty-ninth and seventieth sessions of the General Assembly. The report also provides the rationale for those amendments.

The General Assembly is requested to approve the amendments to the Staff Regulations and to take note of the amendments to the Staff Rules set out in the annexes to the present report.

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I. Amendments to the staff regulations and rules

1. Staff regulation 12.3 provides that the full text of provisional staff rules and amendments shall be reported annually to the General Assembly.

2. Staff regulation 12.4 provides that the provisional staff rules and amendments reported by the Secretary-General, taking into account such modifications and/or deletions as may be directed by the General Assembly, shall enter into full force and effect on 1 January following the year in which the report is made to the Assembly.

3. In the annexes to the present report amendments are proposed to the Staff Regulations and Rules, which are required to reflect prior legislative decisions, including the implementation of the new managed mobility framework, the implementation of special measures for protection from sexual exploitation and abuse, the implementation of the changes to the compensation package for internationally recruited staff members, as approved by the General Assembly in section III of its resolution 70/244, and to revise the provisions of appendix D to the Staff Rules, on the basis of established practices and the jurisprudence to date.

4. The proposed amendments and provisional staff rules required for the implementation of the changes to the compensation package of staff in the Professional and higher categories would normally take full effect on 1 January 2017, pursuant to staff regulation 12.4 referred to in paragraph 2 above, subject to any modifications or deletion that may be directed by the General Assembly. Provisional Staff Rules 3.7, 3.13, 3.15, 3.19, 5.2, 7.14, 7.15, 7.16, 7.17 and 13.10, required to implement the changes to the compensation package relating to the mobility incentive, non-family service allowance, repatriation grant, accelerated home leave, settling-in grant, relocation shipment and discontinuance of the non-removal allowance, were promulgated effective 1 July 2016 in accordance with Assembly resolution 70/244. In his note on the implementation of the new common system compensation package in the United Nations Secretariat (A/70/896), the Secretary-General proposed that changes to the compensation package relating to the replacement of the mobility allowance with the mobility incentive and the discontinuance of the non-removal allowance would come into effect on 1 November 2016 instead of 1 July 2016. The Assembly has, however, not yet considered the note and therefore no decision was made on the proposed change of the effective date of the changes to those two allowances prior to 1 July 2016. As indicated in the note, it is proposed that:

(a) Provisional staff rule 3.13 on the new mobility incentive and provisional staff rule 7.16 on removal and non-removal be implemented on 1 November 2016 (in lieu of 1 July 2016);

(b) Amendments to the staff regulations and rules required for the implementation of the new unified base/floor salary scale take effect as from 1 September 2017 (in lieu of 1 January 2017).

5. Annex I presents the proposed amendments to the Staff Regulations. Annex II provides the full text of the amendments to the Staff Rules, including those issued provisionally effective 1 July 2016, which will take full effect as from 1 January 2017 or 1 September 2017, subject to any modifications that may be directed by the General Assembly.

A. Regulations

6. Staff regulation 3.3 is being amended to reflect the staff assessment rates approved by the General Assembly in section III, paragraph 12, of resolution 70/244 and to delete the provisions for separate rates of staff assessment for staff members with dependants and staff members without dependants, in connection with the introduction of the unified salary scale for staff in the Professional and higher categories.

7. New staff regulations 3.4 and 3.5 are proposed to establish the new dependent spouse allowance and the single parent allowance, as approved by the General Assembly in paragraphs 17 and 19, respectively, of section III of resolution 70/244.

8. Existing staff regulation 3.4 is renumbered as regulation 3.6. The proposed amendment deletes the reference to the dependency rate of staff assessment and states that the child allowance is not payable in respect of the first dependent child when the staff member is receiving the single parent allowance for that child. The proposed amendment also includes a provision for adjusting the amount of the single parent allowance for staff members in receipt of a government grant for their first dependent child.

9. The title of article VII of the Staff Regulations, "Travel and removal expenses", is being amended to replace "removal" with "relocation". Staff regulation 7.2 is also being amended to replace "removal costs" with "relocation shipment", as approved in section III, paragraph 44, of resolution 70/244.

10. An amendment to annex I to the Staff Regulations is being proposed to reflect the periodicity of the step increments and the discontinuance of accelerated step increments, as approved in section III, paragraphs 20 and 22, of resolution 70/244, respectively, in connection with the introduction of the unified salary scale.

B. Rules

11. Rule 3.3 is being amended to delete the reference to the dependency rate of staff assessment.

12. Rule 3.6 is being amended to reflect the amount of the dependent spouse allowance and the single parent allowance, as well as the adjustment to the single parent allowance where a staff member receives a direct government grant for the child in respect of whom the allowance is payable. It will also reflect that the determination of the dependency of a spouse should be made on the basis of all spousal income, including pensions and other retirement-related income, as recommended in paragraph 185 of the report of the International Civil Service Commission (A/70/30). The wording "occupational" in staff rule 3.6 (a) (i) is therefore deleted.

13. Rule 3.7 (b), which provides for the payment of post adjustment calculated on the basis of the dependency rate of salary, is being deleted with the introduction of the unified salary scale.

14. Staff rule 3.12 (a) on the night differential is being amended to correctly reflect the eligibility of staff members in all categories, including those in the Professional category, who work on regularly scheduled night-time tours of duty for

payment of such a differential. The amendment is made to align the staff rule with the conditions of appendix B to the former 100 series of the staff rules governing the payment of a night differential.

15. Rule 3.13 is being amended to replace the mobility allowance with the mobility incentive and to clarify the conditions of entitlement.

16. Rule 3.15 is being amended to replace the additional hardship allowance for service in non-family duty stations with the new non-family service allowance.

17. Rule 3.19 is being amended to correct the reference to staff rule 3.6 (a) (ii), which defines a "child", to staff rule 3.6 (a) (iii), which defines a "dependent child" for the purpose of the Staff Regulations and Rules, and to introduce a threshold of five years of expatriate service as an eligibility requirement for a repatriation grant. As the maximum duration of a temporary appointment is 729 days, staff members holding temporary appointments would not be able to meet the five years of qualifying service to be eligible for a repatriation grant. The provision in staff rule 3.19 (d) regarding payment of a repatriation grant to staff holding temporary appointments has therefore been deleted.

18. A new staff rule 3.20 is being proposed to implement the new recruitment incentive approved in section III, paragraph 53, of resolution 70/244.

19. Staff rule 4.5 is being amended to replace the reference to "removal of household effects" with relocation shipment.

20. In rule 4.15, on the Senior Review Group and central review bodies, the title of the rule and subparagraphs (a) and (b) have been amended and subparagraphs (d) and (h) have been deleted, for the purpose of implementing the new managed mobility framework approved by the General Assembly in its resolution 68/265 and simplifying the rule, given that the details of the composition, roles and functions of those existing bodies are contained in the bulletins issued by the Secretary-General on the central review bodies (ST/SGB/2011/7) and on the Senior Review Group (ST/SGB/2011/8). The membership, roles and functions of the Senior Review Board and the Global Central Review Board were set out in bulletins (ST/SGB/2016/3 and ST/SGB/2016/4). The wording of the amendment to staff rule 4.15 allows for the review bodies under both staff selection systems to operate simultaneously, bearing in mind that the new staff selection and managed mobility framework is being introduced in phases until all job networks are transitioned into the new system.

21. Staff rule 4.16 (b) (i) on competitive examinations is being amended to delete the provision whereby appointments to posts at the P-3 level in the United Nations Secretariat shall be made normally through competitive examination. The amendment is being made in response to the recommendation of the Advisory Committee on Administrative and Budgetary Questions (see A/65/537, para. 77), which was endorsed by the General Assembly in resolution 65/247, that positions at the P-3 level be advertised in the same manner as all other positions.

22. Staff rule 5.2 is amended to discontinue accelerated home leave, except in category D and E duty stations that do not fall under the rest and recuperation framework.

23. An amendment is proposed to staff rule 5.3 (d) relating to special leave for pension purposes to reflect the changes made to article 29 of the Regulations of the United Nations Joint Staff Pension Fund, which introduced an early retirement age

of 58 for staff members who entered the Fund on or after 1 January 2014. The proposed change provides for the scenarios in which a staff member is within two years of qualifying for an early retirement benefit at the age of 55 if he or she entered the Fund prior to 1 January 2014 and at the age of 58 if he or she entered the Fund on or after 1 January 2014.

24. The title of article VII of the Staff Rules is being changed from "Travel and removal expenses" to "Travel and relocation expenses".

25. Rule 7.1 (c) is being amended to replace "removal" with "relocation shipment".

26. Staff rule 7.11 on miscellaneous travel expenses currently requires submission of receipts for reimbursement of any miscellaneous travel expenses in excess of $20. The rule is being amended to require submission of receipts for any miscellaneous travel expenses in excess of $30, in the interests of administrative simplicity in the processing of travel claims and in order to align the staff rule with current practice, as reflected in section 10 of the administrative instruction on official travel (ST/AI/2013/3).

27. Rule 7.14 is amended to replace the assignment grant with the new settling-in grant.

28. The International Civil Service Commission proposed the following options for relocation shipment (A/70/30, para. 399):

"(d) To provide full removal of household goods for relocation shipment if that option was available, and, if not, to provide the option of full removal up to the established entitlement, which would be reimbursed to staff upon presentation of an invoice. In lieu of full removal, one of the following options could apply:

(i) Lump-sum option established at 70 per cent of the actual cost of relocation shipments;

(ii) Lump sum set by organizations based on 70 per cent of costs of past shipments, not exceeding $18,000;

(e) To provide an approach similar to that in subparagraph (d) above for partial removal of household goods within an appropriate entitlement according to circumstances, including for appointments of less than two years, reassignments within the same country, mission area or area of operations and moves between non-family duty stations;

(f) To provide an entitlement for relocation shipment of household goods for staff with assignments of two years or more up to a standard 20-foot container for single staff and a 40-foot container for staff with eligible family members, regardless of the weight of household goods, via the most cost-effective route and mode of transportation".

29. The General Assembly, in section III, paragraph 44, of its resolution 70/244, approved the options for relocation shipments provided by the Commission in paragraph 399 (d) and (f) of its report. Although the option in subparagraph 399 (e) for partial removal of personal effects was not expressly approved, the unaccompanied shipping entitlements under staff rule 7.15 (h) and (i) are being maintained in order to continue to provide the existing entitlement to unaccompanied shipment of personal effects for staff members holding temporary

appointments and staff members appointed or assigned for one year or longer in non-headquarters locations.

30. Staff rule 7.15 (i) (ii), relating to payment of non-removal allowance, is deleted to reflect the discontinuance of the allowance. Staff rule 7.15 (j) relating to advance shipment of personal effects for staff entitled to full removal is being deleted, as the change of the entitlement from weight/volume to a 20-foot or 40-foot container does not allow for the weight/volume of an advance unaccompanied shipment of personal effects to be deducted from the entitlement to a 20- or 40-foot container.

31. Rule 7.16 is being amended to reflect the approval by the General Assembly in section III, paragraph 44, of its resolution 70/244 of a relocation shipment and the discontinuance of the non-removal allowance. A provision is also being made for a lump-sum option in lieu of the relocation shipment.

32. Rule 7.17 is amended to replace the reference to removal with relocation shipment.

33. In staff rule 9.8 (d) on termination indemnity, the reference to staff rule 5.3 (c) is being corrected to refer to staff rule 5.3 (d), which relates to special leave without pay for pension purposes.

34. In his report on special measures for protection from sexual exploitation and sexual abuse (A/69/779), the Secretary-General indicated his intention to amend the Staff Rules to specify that accrued annual leave, which would normally be payable at the time of separation, would not be paid to a staff member who is dismissed for sexual exploitation and abuse. A new subparagraph (b) to staff rule 9.9 on the commutation of accrued annual leave is proposed to introduce that measure.

35. Staff rule 10.4 (b) on administrative leave pending investigation and the disciplinary process is being amended to remove the provision that such leave should so far as practicable not exceed three months, in order to provide flexibility where it is necessary for the duration of administrative leave to exceed three months.

36. A new rule 13.10 reflects the transitional arrangement relating to changes to the repatriation grant, approved by the General Assembly in section III, paragraph 40, of resolution 70/244, whereby current staff members retain their eligibility within the current grant schedule up to the number of years of expatriate service accrued at the time of the implementation of the revised scheme.

37. A new rule 13.11 provides for the introduction of a transitional allowance for staff in receipt of the dependent rate of salary for a first dependent child, as approved in section III, paragraph 10 (a), of resolution 70/244.

38. A new rule 13.12 provides for the pay protection measure for staff whose salaries are higher than those at the maximum step of their grade upon conversion to the unified salary scale, as approved by the General Assembly in section III, paragraph 9, of resolution 70/244.

C. Appendix C

39. Appendix C to the Staff Rules on arrangements relating to military service is being amended to correct the reference in paragraph (e) from staff rule 5.3 (b) to staff rule 9.6 (e). Under the former 100 series of staff rules, paragraph (e) of appendix C referred to staff rule 109.1 (c), which has been replaced by staff rule 9.6 (e) under the new staff rules.

D. Appendix D

40. Appendix D to the Staff Rules, entitled "Rules governing compensation in the event of death, injury or illness attributable to the performance of official duties on behalf of the United Nations" (ST/SGB/2014/1), has been revised and updated to reflect the applicable legal review mechanisms under the Staff Regulations and Rules, to provide the necessary definitions and procedural clarifications based on established practice and in the light of United Nations tribunal jurisprudence and to align the rules with best practice standards. The current revision is the first since 8 January 1976. Given the objective of creating a long-term tool for the assessment of compensation claims, the revision is comprehensive and therefore no version with tracked changes is available for comparison. Further background and specific changes, however, are detailed below for reference.

41. Appendix D to the Staff Rules sets out the mechanism for compensation in cases of a service-incurred injury or the illness or death of staff members but is outdated and lacks clarity. Whereas there is established practice that guides current implementation, in cases in which the rules are not clear or there are legal lacunae, a comprehensive revision was required to provide a legally sound, practical tool for the determination of compensation claims by staff members. The proposed revision is based on experiences to date, feedback received from wide consultations with all stakeholders, including staff representatives, and the best practices of comparator international organizations.

42. Other than an overall editorial alignment, with required standards for legal review of decisions on claims, the major changes are as follows:

(a) A definition section and detailed provisions on coverage have been added, including clarifications on the exclusion of coverage, such as medical conditions unrelated to the service-incurred injury or illness, to avoid differences in interpretation of terminology or compensable incidents;

(b) The requirement that the claimant must provide the evidence necessary to fully support a claim for compensation has been clarified;

(c) The statute of limitations for claims has been extended from four months to one year. In practice, the previous time period had proved too short for claimants, for example for seriously injured staff members or surviving beneficiaries who, in times of recovery or loss, could not reasonably be expected to prioritize filing claims within that time period;

(d) A provision on consequences in case of misrepresentation or omission of facts in a claim has been added;

(e) Previous compensation amounts applicable in absolute numbers since 1976 have been replaced by references to percentage points of the pensionable remuneration scales to provide for adjustment in compensation amounts over time without a need to periodically amend the Staff Rules;

(f) The formula to determine compensation for permanent loss of function has been simplified and linked to the affected staff member's pensionable remuneration scale;

(g) The survivor benefit has been increased from 40 per cent of the pensionable remuneration to 50 per cent, in accordance with the best practices of comparator international organizations;

(h) The provision on sick leave credit has been revised to clarify applicability and approval procedures. The current basis requiring the presence of a particular hardship required clarity, given that it has led to differences in interpretation in practice;

(i) The claim review and legal recourse mechanisms have been updated and aligned with the current mechanisms under the Staff Regulations and Rules including clarifications on applicable recourse for review of procedure, compensation and medical determinations.

43. Some of the changes in the calculation bases will result in increases in overall compensation for future cases of service-incurred injury, illness or death, in particular for survivors of staff who have died in service, as addressed in paragraph 42 (g) above.

II. Permanent resident status

44. In section III.E of the report of the Secretary-General on human resources management reform (A/69/190), background information was provided on the history of the long-standing policy requiring staff members in the Professional and higher categories to renounce permanent resident status in a country other than their country of nationality and the Assembly was informed of recent judgments of the United Nations Appeals Tribunal, which had concluded that the policy had no legal basis as it was not reflected in any administrative issuance. Since 2012, the Appeals Tribunal has found that when the Fifth Committee decided on the policy, it required its decisions to be given effect "through appropriate amendments to the Staff Rules" and that the Secretary-General had not fully complied with the requirement of the Fifth Committee for the implementation of its decision, as contained in paragraphs 63 and 70 of its report on personnel policy of 1953 (A/2615). Moreover, the Appeals Tribunal found that, given that the geographical distribution of staff recruitment is based on nationality and not on resident status, the policy could not be justified on the basis of ensuring the geographical distribution of staff members. It further observed in paragraph 45 of judgment No. 2012-UNAT-276 of the Appeals Tribunal that "Bearing in mind human rights principles and modern law of employment, this policy has no place in a modern international organization".

45. Although the judgments of the Appeals Tribunal did not involve the issue of permanent resident status in the United States of America, the implication of those judgments is that the Appeals Tribunal would most probably find that the requirement in administrative instruction ST/AI/2000/19 to renounce permanent

resident status imposes an obligation not foreseen by the Staff Rules and is, consequently, unlawful.

46. As a result of the judgments of the Appeals Tribunal, the Secretariat has, since November 2013 and on an exceptional basis, granted staff members in the Professional category permission to retain permanent resident status in a country other than their country of nationality, pending reconsideration of the issue by the General Assembly. The acquisition or retention of permanent resident status in the United States includes a further procedural step, whereby staff members are required to sign a waiver of the rights, privileges, exemptions and immunities that would accrue to them as international staff members. In order to sign the waiver, staff members must request the permission of the Organization. As the same concerns apply to this procedural step, staff members have been exceptionally granted permission to sign the waiver. Staff members who have been exceptionally granted permission to retain or acquire permanent resident status have been informed that, following consideration by the Assembly of the issues outlined in the present report, they may be required to renounce their permanent resident status as a condition of any extension, renewal or other form of subsequent appointment.

47. The Secretary-General had previously brought to the attention of the General Assembly concerns which merit reconsideration of the policy in his report of 2006 on human resources management reform (A/61/228). Those concerns include: (a) the increasing number of staff members who serve at non-family duty stations while their families reside in the country of the spouse and not in the country of the staff member; (b) since the contractual reforms, a higher number of staff are serving on fixed-term appointments, which normally carry no expectation of renewal; and (c) mobility has become an essential part of the conditions of employment. Moreover, the Staff Rules have always permitted staff to retain nationality in more than one country. As a result of those concerns, the Secretary-General had proposed the abolishment of staff rule 1.5 (c), which formed the basis for the policy that requires staff to renounce permanent residence status. In light of the recent judgments by the Appeals Tribunal, in his report of 2014 on human resources management reform (A/69/190), the Secretary-General invited the Assembly to reconsider the policy that requires staff members to renounce permanent resident status in a country other than the country of their nationality prior to recruitment.

48. The policy requiring staff members to renounce permanent resident status in a country other than the country of their nationality prior to recruitment was adopted to address concerns related to geographical representation and the potential financial implications of staff members retaining or acquiring permanent resident status. Should the General Assembly decide not to retain the policy, the assessment of geographical representation would not be affected by the acquisition or retention of permanent resident status by staff members. Staff members, including those holding permanent resident status, are listed by the Organization according to the country of their recognized nationality.

49. There may, however, be financial implications with regard to income tax reimbursements and entitlements. Staff regulation 3.3 (f) provides for refunds where a staff member is subject to both staff assessment and national income taxation on salaries and emoluments paid by the United Nations. That taxation is not exclusively linked to nationality but also to permanent resident status, such as in the United States of America. With respect to staff salaries financed from assessed

funds, under regulation 4.10 of the Financial Regulations and Rules of the United Nations, deductions for staff assessment are credited to a tax equalization fund. Under regulation 4.11, the revenue in the tax equalization fund is used to refund to staff members' income taxes levied by Member States. Where a the credit of a Member State in the tax equalization fund is insufficient for this purpose, the shortfall is added to and recovered from assessed contributions due from that Member State in the subsequent financial period. If it is necessary to provide more staff members with income tax reimbursements as a result of taxes levied by the Member States in which they have permanent resident status, there would be a corresponding increase in withdrawals from the deposits in the tax equalization fund.

50. With respect to staff salaries financed from non-assessed funds, such as voluntary contributions made by Member States to trust funds, under regulation 4.11, such sources of funds do not contribute to the tax equalization fund. As a result, where income tax is levied upon salaries and emoluments, the additional costs for tax reimbursement are borne by the sources of the funds. Therefore, an increase in the number of staff members who encumber posts financed from non-assessed funds and who acquire or retain permanent resident status in countries that tax United Nations income would increase the amount of income tax reimbursements paid by the Organization, which would be charged against the specific non-assessed fund.

51. On the other hand, pursuant to staff rule 4.5 (d), a staff member who holds permanent resident status in a country other than his or her country of nationality may lose his or her entitlement to home leave, education grant, repatriation grant and payment of travel expenses upon separation and removal of household effects, where this is contrary to the purpose of those allowances or benefits. That is normally the case where the staff member's duty station is in the country in which he or she holds permanent resident status. It applies whether the staff member encumbers a position financed from assessed or non-assessed funds. Thus, an increase in the number of staff members retaining or acquiring permanent resident status in the country of their duty station could result in less expenditure on certain entitlements.

III. Actions to be taken by the General Assembly

52. **The General Assembly is requested to approve the amendments to the Staff Regulations contained in annex I to the present report and to take note of the amendments to the Staff Rules contained in annex II.**

53. **The General Assembly is further requested to approve the proposed implementation and effective dates for the amendments to the Staff Regulations and Staff Rules, as set out in paragraph 4 above.**

54. **Bearing in mind the recommendations of the Secretary-General with regard to permanent resident status and the ramifications arising from the judgments of the United Nations Appeals Tribunal, the General Assembly is invited to reconsider the policy that requires staff members to renounce permanent resident status in a country other than the country of their nationality prior to recruitment.**

55. Should the General Assembly decide not to retain the policy, such a change would entail the appropriate amendment of staff rule 1.5 (c) and administrative instruction ST/AI/2000/19.

56. Should the General Assembly decide to retain the policy, it would be necessary for the Secretary-General to amend staff rule 1.5 (c) in order to address the ramifications of the judgments of United Nations Appeals Tribunal with regard to the matter.

Annex I

Text of amendments to the Staff Regulations*

Regulation 3.3

(a) An assessment at the rates and under the conditions specified below shall be applied to the salaries and such other emoluments of staff members as are computed on the basis of salary, excluding post adjustments, provided that the Secretary-General may, where he or she deems it advisable, exempt from the assessment the salaries and emoluments of staff members engaged at locality rates.

(b) (i) The assessment shall be calculated at the following rates for staff members whose salary rates are set forth in paragraphs 1 and 3 of annex I to the present Regulations:

Assessment

Total assessable payments (United States dollars)	*Staff assessment rates for purposes of pensionable remuneration and pensions (percentage)*
Up to 20,000 per year	11
20,001 to 40,000 per year	18
40,001 to 60,000 per year	25
60,001 and above per year	30

Staff assessment rates used in conjunction with gross base salaries (effective 1 ~~January~~ September 201~~2~~7)

~~A. *Staff assessment rates for staff member with dependants*~~

Assessable payments (United States dollars)	*Staff assessment rates ~~for those with a dependent spouse or dependent child~~ (percentage)*
First 50,000 per year	~~15~~ 17
Next 50,000 per year	~~21~~ 24
Next 50,000 per year	~~27~~ 31
Remaining assessable payments	~~30~~ 34

~~B. *Staff assessment for staff members without dependants*~~

~~Staff assessment amounts for those with neither a dependent spouse nor a dependent child would be equal to the differences between the gross salaries at different grades and steps and the corresponding net salaries at the single rate.~~

(ii) The assessment shall be calculated at the following rates for staff members whose salary rates are established under paragraph 6 of annex I to the present Regulations:

* Proposed deletions are shown in strikeout and additions in bold type.

Total assessable payments (United States dollars)	*Assessment (percentage)*
Up to 20,000 per year	19
20,001 to 40,000 per year	23
40,001 to 60,000 per year	26
60,001 and above per year	31

(iii) The Secretary-General shall determine which of the scales of assessment set out in subparagraphs (i) and (ii) above shall apply to each of the groups of personnel whose salary rates are established under paragraph 5 of annex I to the present Regulations;

(iv) In the case of staff members whose salary scales are established in currencies other than United States dollars, the relevant amounts to which the assessment applies shall be fixed at the local currency equivalent of the above-mentioned dollar amounts at the time the salary scales of the staff member concerned are approved.

(c) In the case of a person who is not employed by the United Nations for the whole of a calendar year or in cases where there is a change in the annual rate of payments made to a staff member, the rate of assessment shall be governed by the annual rate of each such payment made to him or her.

(d) The assessment computed under the foregoing provisions of the present regulation shall be collected by the United Nations by withholding it from payments. No part of the assessment so collected shall be refunded because of cessation of employment during the calendar year.

(e) Revenue derived from staff assessment not otherwise disposed of by specific resolution of the General Assembly shall be credited to the Tax Equalization Fund established by General Assembly resolution 973 A (X).

(f) Where a staff member is subject both to staff assessment under this plan and to national income taxation in respect of the salaries and emoluments paid to him or her by the United Nations, the Secretary-General is authorized to refund to him or her the amount of staff assessment collected from him or her provided that:

(i) The amount of such refund shall in no case exceed the amount of his or her income taxes paid and payable in respect of his or her United Nations income. The amount of such refund shall not include tax credits applied to income taxes paid and payable in respect of his or her United Nations income;

(ii) If the amount of such income taxes exceeds the amount of staff assessment, the Secretary-General may also pay to the staff member the amount of such excess;

(iii) Payments made in accordance with the provisions of the present regulation shall be charged to the Tax Equalization Fund;

(iv) A payment under the conditions prescribed in the three preceding subparagraphs is authorized in respect of dependency benefits and post adjustments, which are not subject to staff assessment but may be subject to national income taxation.

Regulation 3.4

Staff members whose salary rates are set forth in paragraphs 1 and 3 of annex I to the present Regulations shall be entitled to receive a dependent spouse allowance in the amount of 6 per cent of net base salary plus post adjustment, under conditions established by the Secretary-General.

Regulation 3.5

Staff members without a spouse whose salary rates are set forth in paragraphs 1 and 3 of annex I to the present Regulations shall be entitled to a single parent allowance in respect of the first dependent child in the amount of 6 per cent of net base salary plus post adjustment, under conditions established by the Secretary-General.

Regulation 3.46

(a) Staff members whose salary rates are set forth in paragraphs 1 and 3 of annex I to the present Regulations shall be entitled to receive dependency allowances for a dependent child, for a disabled child and for a secondary dependant at rates approved by the General Assembly as follows:

(i) The staff member shall receive an allowance for each dependent child, except that the allowance shall not be paid in respect of the first dependent child if the staff member **receives a single parent allowance under regulation 3.5** ~~has no dependent spouse, in which case the staff member shall be entitled to the dependency rate of staff assessment under subparagraph (b) (i) of regulation 3.3~~;

(ii) The staff member shall receive a special allowance for each disabled child. However, if the staff member ~~has no dependent spouse and~~ is entitled to the ~~dependency rate of staff assessment~~ **single parent allowance** under ~~subparagraph (b) (i) of~~ regulation 3.**35** in respect of a disabled child, the allowance shall be the same as the allowance for a dependent child in subparagraph (i) above;

(iii) Where there is no dependent spouse, a single annual allowance shall be paid for a secondary dependant in respect of either a dependent parent, a dependent brother or a dependent sister.

(b) If both husband and wife are staff members, one may claim, for dependent children, under subparagraph (a) (i) and (ii) above, in which case the other may claim only under subparagraph (a) (iii) above, if otherwise entitled.

(c) With a view to avoiding duplication of benefits and in order to achieve equality between staff members who receive dependency benefits under applicable laws in the form of governmental grants and staff members who do not receive such dependency benefits, the Secretary-General shall prescribe conditions under which the dependency allowance for a child specified in subparagraph (a) (i) above **and regulation 3.5** shall be payable only to the extent that the dependency benefits enjoyed by the staff member or his or her spouse under applicable laws amount to less than such a dependency allowance.

(d) Staff members whose salary rates are set by the Secretary-General under paragraph 5 or paragraph 6 of annex I to the present Regulations shall be entitled to

receive dependency allowances at rates and under conditions determined by the Secretary-General, due regard being given to the circumstances in the locality in which the office is located.

(e) Claims for dependency allowances shall be submitted in writing and supported by evidence satisfactory to the Secretary-General. A separate claim for dependency allowances shall be made each year.

Chapter VII
Travel and ~~removal~~ relocation expenses

Regulation 7.2

Subject to conditions and definitions prescribed by the Secretary-General, the United Nations shall in appropriate cases pay ~~removal costs~~ **relocation shipment** for staff members.

Annex I
Salary scales and related provisions

1. The Secretary-General shall establish the salary of the Administrator of the United Nations Development Programme and the salaries of United Nations officials in the Director category and above, in accordance with amounts determined by the General Assembly, subject to the staff assessment plan provided in staff regulation 3.3 and to post adjustments wherever applied. If otherwise eligible, they shall receive the allowances that are available to staff members generally.

2. The Secretary-General is authorized, on the basis of appropriate justification and/or reporting, to make additional payments to United Nations officials in the Director category and above to compensate for such special costs as may be reasonably incurred, in the interests of the Organization, in the performance of duties assigned to them by the Secretary-General. Similar additional payments in similar circumstances may be made to heads of offices away from Headquarters. The maximum total amount of such payments is to be determined in the programme budget by the General Assembly.

3. Except as provided in paragraph 5 of the present annex, the salary scales ~~and the scales of post adjustment~~ for staff members in the Professional and higher categories shall be as shown in the present annex.

4. Subject to satisfactory service, salary increments within the **Professional** levels ~~set forth in paragraph 3 of the present annex,~~ shall be awarded annually, except that any increments above step **VII shall be preceded by two years at the previous step.** ~~XI of the Associate Officer level, step XIII of the Second Officer level, step XII of the First Officer level, step X of the Senior Officer level and step IV of the Principal Officer level shall be preceded by two years at the previous step. The Secretary-General is authorized to reduce the interval between salary increments to ten months and twenty months, respectively, in the case of staff subject to geographical distribution who have an adequate and confirmed knowledge of a second official language of the United Nations.~~

5. Salary increments at the D-1 level shall be awarded annually, except that any increments above step IV shall be preceded by two years at the previous step. Salary increments at the D-2 level shall be awarded biennially.

~~5~~**6**. The Secretary-General shall determine the salary rates to be paid to personnel specifically engaged for short-term missions, conference and other short-term service, to consultants, to Field Service personnel and to technical assistance experts.

~~6~~**7**. The Secretary-General shall fix the salary scales for staff members in the General Service and related categories, normally on the basis of the best prevailing conditions of employment in the locality of the United Nations Office concerned, provided that the Secretary-General may, where he or she deems it appropriate, establish rules and salary limits for payment of non-resident allowance to General Service staff members recruited from outside the local area. The gross pensionable remuneration of such staff shall be determined in accordance with the methodology specified in article 5**4**1 (a) of the Regulations of the United Nations Joint Staff Pension Fund and are shown in the salary scales applicable to such staff.

~~7~~**8**. The Secretary-General shall establish rules under which a language allowance may be paid to staff members in the General Service category who pass an appropriate test and demonstrate continued proficiency in the use of two or more official languages.

~~8~~**9**. In orde: to preserve equivalent standards of living at different offices, the Secretary-General may adjust the basic salaries set forth in paragraphs 1 and 3 of the present annex by the application of non-pensionable post adjustments based on relative costs of living, standards of living and related factors at the office concerned as compared to New York. Such post adjustments shall not be subject to staff assessment.

~~9~~**10**. No salary shall be paid to staff members in respect of periods of unauthorized absence from work unless such absence was caused by reasons beyond their control or duly certified medical reasons.

Annex II

Text of amendments to the Staff Rules*

Rule 3.2
Staff assessment

(a) In application of the staff assessment plan under staff regulation 3.3:

(i) Salaries for staff members in the Professional and higher categories and in the Field Service category shall be subject to the assessment rates specified in subparagraph (b) (i) of that regulation;

(ii) Salaries for staff members in the General Service and related categories shall be subject to the assessment rates specified in subparagraph (b) (ii) of that regulation.

~~(b) The dependency rates of the staff assessment under staff regulation 3.3 (b) (i) shall apply when:~~

~~(i) The staff member's spouse is recognized as a dependant under staff rule 3.6 below; or~~

~~(ii) The staff member provides main and continuing support to one or more of his or her children.~~

(b) The transitional measures governing the salary scales and pensionable remuneration are subject to the provisions of staff rule 13.12.

~~**(c) Where both spouses are staff members whose salaries are subject to the staff assessment rates specified in staff regulation 3.3 (b) (i), and taking into account staff rule 4.7 (d), the staff assessment shall apply to each at the single rate. If they have a dependent child or children, the dependency rate shall normally apply to the spouse having the higher salary level and the single rate shall apply to the other spouse.**~~

Rule 3.6
Dependency allowances

Definitions

(a) For the purposes of the Staff Regulations and Staff Rules:

(i) A "dependent spouse" is a spouse whose ~~occupational~~ earnings, if any, do not exceed the lowest entry level of the United Nations General Service gross salary scales in force on 1 January of the year concerned for the duty station in the country of the spouse's place of work. In the case of staff in the Professional and higher categories and in the Field Service category, the entry level amount referenced shall not at any duty station be less than the equivalent of the lowest entry level salary at the base of the salary system (G-2, step I, for New York);

(ii) A "child" is any of the following children for whom the staff member provides main and continuing support:

* Proposed deletions are shown in strikeout. Proposed additions in the text are in bold type and those in headings are underscored.

a. A staff member's natural or legally adopted child; or

b. A staff member's stepchild who is residing with the staff member; or

c. A child who cannot be legally adopted, for whom the staff member has legal responsibility and who is residing with the staff member;

(iii) A "dependent child" is a child for whom the staff member provides main and continuing support and who meets one of the following criteria:

a. The child is under the age of 18 years;

b. The child is between the ages of 18 and 21 years and attends university or its equivalent full-time; the requirement of residing with the staff member does not apply in this case;

c. The child is of any age and has a disability that is permanent or for a period that is expected to be long-term that prevents substantial gainful employment;

(iv) A staff member claiming a child as a dependant must certify that he or she provides main and continuous support. This certification must be supported by documentary evidence satisfactory to the Secretary-General, if a child:

a. Does not reside with the staff member;

b. Is married; or

c. Is recognized as a dependant under subparagraph a. (iii) c. above;

(v) A father, mother, brother or sister of a staff member shall be considered as a secondary dependant if the staff member provides such a person with not less than half of that person's financial resources, and in any case with not less than twice the amount of the dependency allowance. The conditions regarding age, school attendance and disability are the same for a brother or sister as those applicable to a staff member's child in subparagraph (iii) above.

Amount of dependency allowance

(b) The dependency ~~rates~~ **allowances**, which are applicable to the different categories of staff, shall be published by the Secretary-General. The dependency allowance shall normally be payable in accordance with ~~such~~ **the applicable** rates, unless otherwise provided by the Secretary-General:

(i) **Dependent spouse allowance: a dependent spouse allowance in the amount of 6 per cent of net base salary plus post adjustment shall be paid to a staff member in the Professional and higher categories and in the Field Service category with a recognized dependent spouse, under conditions established by the Secretary-General;**

(ii) **Single parent allowance: a staff member in the Professional and higher categories and in the Field Service category recognized as a single parent shall receive a single parent allowance in the amount of 6 per cent of net base salary plus post adjustment in respect of the first dependent child, under conditions established by the Secretary-General. A staff member who receives a single parent allowance in respect of the first**

dependent child shall not be eligible for payment of a child allowance for that child;

(eiii) **Dependent child allowance: eligible staff members shall receive a dependent child allowance for each recognized dependent child, under conditions established by the Secretary-General.** Subject to the provisions of staff regulations **3.5 and** 3.46 (a), the full amount of the dependency allowance provided under ~~that~~ **those** regulations and under the Staff Rules in respect of a dependent child shall be payable, except where the staff member or his or her spouse receives a direct governmental grant in respect of the same child. Where such a governmental grant is made, the ~~dependency~~ **dependent child** allowance **or single parent allowance** payable under this rule shall be the approximate amount by which the governmental grant is less than the ~~dependency~~ **dependent child** allowance **or single parent allowance** set out under the Staff Regulations and Staff Rules. No dependency allowance is payable if the governmental grant is equal to or exceeds the rate set out under the Staff Regulations and Staff Rules;

(iv) **Secondary dependent allowance: a secondary dependency allowance shall be paid in respect of not more than one secondary dependent and such payment shall not be made when a payment is being made for a dependent spouse. Staff members in the General Service and related categories shall receive a dependency allowance with respect to a secondary dependant when local conditions and/or the practices of comparator employers call for the establishment of such an allowance, under conditions established by the Secretary-General.**

(~~d~~c) Staff members shall be responsible for notifying the Secretary-General in writing of claims for dependency allowances and may be required to support such claims by documentary evidence satisfactory to the Secretary-General. Staff members shall be responsible for reporting to the Secretary-General any change in the status of a dependent that may affect the payment of this allowance.

~~(e) A secondary dependency allowance shall be paid in respect of not more than one secondary dependent and such payment shall not be made when a payment is being made for a dependent spouse. Staff members in the General Service and related categories shall receive a dependency allowance with respect to a secondary dependant when local conditions and/or the practices of comparator employers call for the establishment of such an allowance, under conditions established by the Secretary-General.~~

Rule 3.7
Post adjustment and rental subsidy

(a) Post adjustment is an amount paid to staff members serving in the Professional and higher categories and in the Field Service category, in accordance with annex I, paragraph 8, of the Staff Regulations, to ensure equity in purchasing power of staff members across duty stations.

~~(b) A staff member who is entitled to salary at the dependency rate shall be paid post adjustment calculated on the basis of such salary regardless of where the dependants reside.~~

(~~e~~b) While the salary of a staff member is normally subject to the post adjustment of his or her duty station during assignments for one year or more, alternative arrangements may be made by the Secretary-General under the following circumstances:

(i) When a staff member is assigned to a duty station whose post adjustment classification is lower than that of his or her previous duty station, he or she may continue to receive for up to six months the post adjustment applicable to the previous duty station while at least one member of his or her immediate family (spouse and children) remains at that duty station;

(ii) When a staff member is assigned to a duty station for less than one year, the Secretary-General shall decide at that time whether to apply the post adjustment applicable to the duty station and, if appropriate, to pay ~~an assignment~~ **a settling-in** grant under staff rule 7.14, ~~and the hardship and non-removal elements of~~ the mobility **incentive under staff rule 3.13 if applicable,** and hardship allowance and non-family service allowance under staff rules ~~3.13~~, 3.14 and 3.15 ~~and 7.16 (h)~~ or, in lieu of the above, to authorize appropriate subsistence payments;

(iii) When a staff member is assigned to a United Nations field mission for a period of three months or less, the Secretary-General shall decide at that time whether to apply the post adjustment applicable to the duty station and, if appropriate, to pay ~~an assignment~~ **a settling-in** grant under staff rule 7.14, ~~and the hardship and non-removal elements of~~ the mobility **incentive under staff rule 3.13 if applicable** and hardship allowance and non-family service allowance under staff rules ~~3.13,~~ 3.14 and 3.15 ~~and 7.16 (h)~~ or, in lieu of the above, to authorize appropriate subsistence payments.

(~~d~~c) At duty stations where the average rental cost used in calculating the post adjustment index is based on the cost of housing provided by the United Nations, by a Government or by a related institution, eligible staff members who have to rent housing accommodation at substantially higher commercial rates will be paid a supplement to the post adjustment in the form of a rental subsidy under conditions established by the Secretary-General.

Rule 3.12
Night differential

(a) A staff member ~~**in the General Service, Security Service or Trades and Crafts category, or in the Field Service category up to and including level FS-5,**~~ who is assigned to regularly scheduled night-time tours of duty shall receive a night differential at a rate and under conditions established by the Secretary-General.

Rule 3.13
Mobility allowance incentive

(a) A non-pensionable mobility ~~allowance~~ **incentive** may be paid under conditions established by the Secretary-General to staff members in the Professional and higher categories, in the Field Service category, and to internationally recruited staff in the General Service category pursuant to staff rule 4.5 (c), provided that they:

(i) Hold a fixed-term or continuing appointment; **and**

(ii) Are on an assignment of one year or more **to a new field duty station** and are installed at the new duty station; and

(iii) Have served ~~for~~ five ~~consecutive~~ years **or more of continuous service on a fixed-term or continuing appointment** in the United Nations common system of salaries and allowances.

The mobility ~~allowance~~ **incentive** shall be discontinued upon ~~receipt of such allowance for~~ five ~~consecutive~~ **continuous** years at the same duty station. In the exceptional case of staff members who remained at the same duty station **for more than five years** at the explicit request of the Organization or for compelling humanitarian reasons, the mobility ~~allowance~~ **incentive is shall be** payable for one additional year**, but in no case for more than a total of six years.**

(b) The amount of the mobility ~~allowance~~ **incentive**, if any, and the conditions under which it will be paid, shall be determined by the Secretary-General taking into account the length of the staff member's continuous service in the United Nations common system of salaries and allowances, the number of duty stations at which he or she has previously served for a period of one year or longer and the hardship classification of the new duty station to which the staff member is assigned.

Rule 3.15
~~Additional hardship allowance for service in non-family duty stations~~ Non-family service allowance

(a) When a duty station has been designated as non-family, the presence of eligible dependants of the staff member shall not be authorized at the duty station, unless exceptionally approved by the Secretary-General.

(b) Staff in the Professional and higher categories and in the Field Service category, and staff in the General Service category considered internationally recruited pursuant to staff rule 4.5 (c) who are appointed or reassigned to a non-family duty station may be paid a non-pensionable ~~additional non-family hardship~~ **non-family service** allowance~~.~~**. The amount and conditions under which the allowance will be paid shall be determined by the Secretary-General. In no event shall be allowance be payable if** ~~unless~~ the Secretary-General has exceptionally approved the presence of eligible dependants of the staff member at the duty station pursuant to staff rule 3.15 (a).

Rule 3.19
Repatriation grant

Purpose

(a) The purpose of the repatriation grant provided by staff regulation 9.4 is to facilitate the relocation of expatriate staff members to a country other than the country of the last duty station, provided that they meet the conditions contained in annex IV to the Staff Regulations and in this rule.

Definitions

(b) The following definitions shall be used in ascertaining whether the conditions contained in annex IV to the Staff Regulations and this rule are met:

(i) "Country of nationality" shall mean the country of nationality recognized by the Secretary-General;

(ii) "Dependent child" shall mean a child recognized as dependent under staff rule 3.6 (a) (iii) at the time of the staff member's separation from service;

(iii) "Home country" shall mean the country of home leave entitlement under staff rule 5.2 or such other country as the Secretary-General may determine;

(iv) "Obligation to repatriate" shall mean the obligation to return a staff member and his or her spouse and dependent children, upon separation, at the expense of the United Nations, to a place outside the country of the last duty station;

(v) "Qualifying service" shall mean ~~one~~ **five** years or more of continuous service and residence away from the home country and the country of nationality of a staff member, or the country where the staff member has acquired permanent resident status.

Eligibility

(c) Staff members who are considered internationally recruited pursuant to staff rule 4.5 shall be eligible for payment of the repatriation grant in accordance with annex IV to the Staff Regulations provided that they meet the following conditions:

(i) The Organization had the obligation to repatriate the staff member upon separation after qualifying service ~~of one year or longer~~ **as defined in staff rule 3.19 (b) (v)**;

(ii) The staff member resided outside his or her **home country and** recognized country of nationality while serving at the last duty station;

(iii) The staff member has not been dismissed or separated from service on grounds of abandonment of post;

(iv) The staff member has not been locally recruited under staff rule 4.4;

(v) The staff member does not have permanent resident status in the country of the duty station at the time of separation.

~~(d) A staff member holding a temporary appointment who is eligible under paragraph (c) above to receive the repatriation grant under this rule shall be paid the repatriation grant only for himself or herself in accordance with the rate for staff members with neither a spouse nor a dependent child at the time of separation as set out in annex IV to the Staff Regulations.~~

Evidence of relocation

(~~e~~d) Payment of the repatriation grant after separation of an eligible staff member shall require submission of documentary evidence satisfactory to the Secretary-General that the former staff member has relocated away from the country of the last duty station.

Amount and computation of the grant

(fe) The amount of repatriation grant for eligible staff members shall be computed on the basis of annex IV to the Staff Regulations and in accordance with terms and conditions established by the Secretary-General for determining the length of qualifying service for repatriation grant purposes.

(gf) When a staff member receives a new appointment in the United Nations common system less than 12 months after separation, the amount of any payment for repatriation grant shall be adjusted so that the number of months, weeks or days of salary to be paid at the time of the separation after the new appointment, when added to the number of months, weeks or days paid for prior periods of service, does not exceed the total of months, weeks or days that would have been paid had the service been continuous.

(hg) When both spouses are staff members and each is entitled to payment of a repatriation grant on separation from service, the amount of the grant paid to each shall be calculated in accordance with terms and conditions established by the Secretary-General.

Payment in case of the death of an eligible staff member

(ih) In the event of the death of an eligible staff member, no payment shall be made unless there is a surviving spouse or one or more dependent children whom the United Nations is obligated to repatriate. If there are one or more such survivors, payment shall be made under terms and conditions established by the Secretary-General.

Time limitation for submission of the claim

(ji) Entitlement to the repatriation grant shall cease if no claim has been submitted within two years after the effective date of separation, or under conditions established by the Secretary-General. However, when both spouses are staff members and the spouse who separates first is entitled to the repatriation grant, the claim for payment of the grant by that spouse shall be considered receivable if made within two years of the date of separation of the other spouse.

Rule 3.20
Recruitment incentive

An incentive payment for the recruitment of experts in highly specialized fields in instances in which the Organization was unable to attract suitably qualified personnel may be made at the discretion of, and under conditions to be prescribed by, the Secretary-General. The amount of the recruitment incentive shall not exceed 25 per cent of the annual net base salary for each year of the agreed appointment.

Rule 4.5
Staff in posts subject to international recruitment

(a) Staff members other than those regarded under staff rule 4.4 as having been locally recruited shall be considered as having been internationally recruited. Depending on their type of appointment, the allowances and benefits available to internationally recruited staff members, may include: payment of travel expenses

upon initial appointment and on separation for themselves and their spouses and dependent children; ~~removal of household effects~~ **relocation shipment**; home leave; education grant; and repatriation grant.

(b) Staff recruited locally at a duty station for posts in the Professional and higher categories at that specific duty station are considered internationally recruited but would generally not be entitled to some or all of the allowances and benefits mentioned in paragraph (a) above as determined by the Secretary-General.

(c) Under special circumstances and conditions determined by the Secretary-General, staff who have been recruited to serve in posts in the General Service and related categories may be considered internationally recruited.

(d) A staff member who has changed his or her residential status in such a way that he or she may, in the opinion of the Secretary-General, be deemed to be a permanent resident of any country other than that of his or her nationality may lose entitlement to home leave, education grant, repatriation grant and payment of travel expenses upon separation for the staff member and his or her spouse and dependent children and ~~removal of household effects~~ **relocation shipment**, based upon place of home leave, if the Secretary-General considers that the continuation of such entitlement would be contrary to the purposes for which the allowance or benefit was created. Conditions governing entitlement to benefits for internationally recruited staff in the light of residential status shall be set by the Secretary-General as applicable to each duty station.

Rule 4.15
Senior review bodies ~~Group~~ and central review bodies

Senior review bodies ~~Group~~

(a) ~~A~~ Senior review **bodies ~~Group~~** shall be established by the Secretary-General to review and provide advice on recommendations for the selection **and managed mobility** of **senior** staff ~~at the D-2 level~~. The Secretary-General shall decide on the membership and shall publish the rules of procedure of the senior review **bodies ~~Group~~**.

Central review bodies

(b) Central review bodies shall be established by the Secretary-General to review and provide advice on recommendations for selection **of staff regarding positions of a duration of one year or longer in the Professional category, the Field Service category and the General Service and related categories, except for advice on the appointment of candidates having successfully passed a competitive examination, which shall be given by boards of examiners, in accordance with staff rule 4.16.** ~~as follows:~~

~~(i) Central review boards for the selection of staff at the P-5 and D-1 levels;~~

~~(ii) Central review committees for the selection of staff in the Professional category up to the P-4 level, except for advice on the appointment of candidates having successfully passed a competitive examination, which shall be given by boards of examiners, in accordance with staff rule 4.16;~~

~~(iii) Central review panels for the selection of staff in the General Service and related categories.~~

(c) Each central review body shall be composed of staff members holding a fixed-term or continuing appointment, whose rank is not below that of the level of the post to which appointment, selection or promotion is contemplated, as follows:

(i) Members selected by the Secretary-General;

(ii) Members selected by the appropriate staff representative body;

(iii) The Assistant Secretary-General for Human Resources Management, or an authorized representative, as an ex officio non-voting member.

~~(d) Members shall be appointed for a period of two years and shall serve for a maximum of four continuous years.~~

(de) Each central review body shall elect its own chair.

(ef) The rules of procedure of the central review bodies shall be established and published by the Secretary-General.

(fg) Executive heads of separately administered programmes, funds and subsidiary organs of the United Nations to whom the Secretary-General has delegated the authority to appoint, select and promote staff may establish advisory bodies to advise them in the case of staff members recruited specifically for service with those programmes, funds or subsidiary organs. The composition and functions of such advisory bodies shall be generally similar to those of the central review bodies established by the Secretary-General.

~~**Functions of the central review bodies**~~

~~(h) The central review bodies shall advise the Secretary-General on all appointments of one year or longer, except in the following cases:~~

~~(i) Appointment of candidates having successfully passed a competitive examination, in accordance with staff rule 4.16;~~

~~(ii) Appointment at the entry level or promotion within the General Service and related categories of candidates having successfully passed an entrance test or examination, under conditions defined by the Secretary-General.~~

~~(iii) The central review bodies shall review the process for compliance with the pre-approved evaluation criteria and shall provide advice on the recommendations for the selection of candidates. Where such advice is not in line with that of the relevant manager, the Secretary-General shall give due consideration to the advice of the central review bodies and shall make the decision.~~

Rule 4.16
Competitive examinations

(b) Boards of examiners shall make recommendations to the Secretary-General in respect of the following:

(i) Appointment to P-1 and P-2 posts that are subject to the system of desirable ranges and to posts requiring special language competence at the United Nations Secretariat shall be made exclusively through competitive examination. ~~**Appointment to posts at the P-3 level in the United Nations Secretariat shall be made normally through competitive examination.**~~

Rule 5.2
Home leave

(a) Internationally recruited staff members, as defined under staff rule 4.5 (a) and not excluded from home leave under staff rule 4.5 (b), who are residing and serving outside their home country and who are otherwise eligible shall be entitled once in every 24 months of qualifying service to visit their home country at United Nations expense for the purpose of spending in that country a reasonable period of annual leave. Leave taken for this purpose and under the terms and conditions set forth in this rule shall hereinafter be referred to as home leave.

(b) A staff member shall be eligible for home leave provided that the following conditions are fulfilled:

(i) While performing his or her official duties:

a. The staff member continues to reside in a country other than that of which he or she is a national; or

b. In the case of a staff member who is a native of a non-metropolitan territory of the country of the duty station and who maintained his or her normal residence in such non-metropolitan territory prior to appointment, he or she continues to reside, while performing his or her official duties, outside such territory;

(ii) The staff member's service is expected by the Secretary-General to continue:

a. At least six months beyond the date of his or her return from any proposed home leave; and

b. In the case of the first home leave, at least six months beyond the date on which the staff member will have completed 24 months of qualifying service;

(iii) In the case of home leave following the return from a family visit travel under staff rule 7.1 (a) (vii), normally not less than nine months of continuous service have elapsed since the return from the family visit travel.

(c) Staff members whose eligibility under paragraph (b) above is established at the time of their appointment shall begin to accrue service credit towards home leave from that date. Staff members who become eligible for home leave subsequent to appointment shall begin to accrue such service credits from the effective date of their becoming eligible.

(d) The country of home leave shall be the country of the staff member's recognized nationality, subject to the following terms, conditions and exceptions:

(i) The place of home leave of the staff member within his or her home country shall be, for purposes of travel and transportation entitlements, the place with which the staff member had the closest residential ties during the period of his or her most recent residence in the home country. In exceptional circumstances, a change in the place in the country of home leave may be authorized, under conditions established by the Secretary-General;

(ii) A staff member who has served with another public international organization immediately preceding his or her appointment shall have the

place of home leave determined as though his or her entire previous service with the other international organization had been with the United Nations;

(iii) The Secretary-General may authorize:

a. A country other than the country of nationality as the home country, for the purposes of this rule, in exceptional and compelling circumstances. A staff member requesting such authorization will be required to satisfy the Secretary-General that the staff member maintained normal residence in such other country for a prolonged period preceding his or her appointment, that the staff member continues to have close family and personal ties in that country and that the staff member's taking home leave there would not be inconsistent with the purposes and intent of staff regulation 5.3;

b. Home leave travel to a country other than the home country, subject to conditions established by the Secretary-General. In such a case, the travel expenses borne by the United Nations shall not exceed the cost of travel to the home country.

(e) (i) A staff member's home leave shall fall due upon completion of 24 months of qualifying service;

(ii) After falling due, home leave may be taken within 12 months, subject to the exigencies of service.

(f) A staff member may be granted advance home leave, provided that normally not less than 12 months of qualifying service have been completed or that normally not less than 12 months of qualifying service have elapsed since the date of return from his or her last home leave. The granting of advance home leave shall not advance the eligibility for, or the due date of, the next home leave. The granting of advance home leave shall be subject to the conditions for the entitlement being subsequently met. If these conditions are not met, the staff member will be required to reimburse the costs paid by the Organization for the advance travel.

(g) If a staff member delays taking his or her home leave beyond the 12-month period after which it falls due, such delayed leave may be taken without altering the time of his or her next and succeeding home leave entitlements, provided that normally not less than 12 months of qualifying service elapse between the date of the staff member's return from the delayed home leave and the date of his or her next home leave departure.

(h) A staff member may be required to take his or her home leave in conjunction with travel on official business or change of official duty station, due regard being paid to the interests of the staff member and his or her family.

(i) Subject to the conditions specified in chapter VII of the present Rules, a staff member shall be entitled to claim, in respect of authorized travel on home leave, expenses for himself or herself and eligible family members for the outward and return journeys between the official duty station and the place of home leave. A staff member may also claim travel time in respect of authorized travel on home leave.

(j) If both spouses are staff members who are eligible for home leave, and taking into account staff rule 4.7 (d), each staff member shall have the choice either of exercising his or her own home leave entitlement or of accompanying the spouse.

A staff member who chooses to accompany his or her spouse shall be granted travel time appropriate to the travel involved. Dependent children whose parents are staff members, each of whom is entitled to home leave, may accompany either parent. The frequency of travel shall not exceed the established periodicity of the home leave both with regard to staff members and to their dependent children, if any.

(k) A staff member travelling on home leave shall be required to spend no less than seven calendar days, exclusive of travel time, in his or her home country. The Secretary-General may request a staff member, on his or her return from home leave, to furnish satisfactory evidence that this requirement has been fully met.

(l) Under terms and conditions established by the Secretary-General, eligible staff members serving at ~~designated duty stations having very difficult conditions of life and work~~ **category D and E duty stations that do not fall under the rest and recuperation framework** shall be granted home leave once in every 12 months. Staff members shall be eligible for home leave provided that the following conditions are fulfilled:

(i) The staff member's service is expected by the Secretary-General to continue:

a. At least three months beyond the date of his or her return from any proposed home leave; and

b. In the case of the first home leave, at least three months beyond the date on which the staff member will have completed 12 months of qualifying service;

(ii) In the case of home leave following the staff member's return from family visit travel under staff rule 7.1 (a) (vii), normally a period of not less than three months of continuous service has elapsed since the staff member's return from family visit travel.

Rule 5.3
Special leave

(d) The Secretary-General may authorize special leave without pay for pension purposes to protect the pension benefits of staff who are within 2 years of **reaching the applicable qualifying age for an early retirement benefit under article 29 of the Regulations of the United Nations Joint Staff Pension Fund** ~~achieving age 55 years~~ and 25 years of contributory service, or who are over that age and within 2 years of 25 years of contributory service.

Chapter VII
Travel and ~~removal~~ relocation expenses

Rule 7.1
Official travel of staff members

(a) Subject to conditions established by the Secretary-General, the United Nations shall pay the travel expenses of a staff member under the following circumstances:

(i) On initial appointment, provided that the staff member is considered to have been internationally recruited under staff rule 4.5;

(ii) When required to travel on official business;

(iii) On change of official duty station, as defined in staff rule 4.8;

(iv) On separation from service, as defined by article IX of the Staff Regulations and chapter IX of the Staff Rules, except in cases of abandonment of post, and in accordance with the provisions of paragraph (b) below;

(v) On travel authorized for medical, safety or security reasons or in other appropriate cases, when, in the opinion of the Secretary-General, there are compelling reasons for paying such expenses;

(vi) On home leave, in accordance with the provisions of staff rule 5.2;

(vii) On family visit.

(b) Under subparagraph (a) (iv) above, the United Nations shall pay the expenses of a staff member to travel to the place of recruitment. However, if the staff member had an appointment for a period of two years or longer or had completed not less than two years of continuous service, the United Nations shall pay his or her expenses to travel to the place recognized as his or her home for the purpose of home leave under staff rule 5.2. Should a staff member, on separation, wish to go to any other place, the travel expenses borne by the United Nations shall not exceed the maximum amount that would have been payable for the return of the staff member to the place of recruitment or home leave, as applicable.

(c) The Secretary-General may reject any claim for payment or reimbursement of travel or ~~removal~~ **relocation shipment** expenses which are incurred by a staff member in contravention of any provision of the Staff Rules.

Rule 7.11
Miscellaneous travel expenses

Necessary additional expenses incurred by a staff member in connection with official business or in the performance of authorized travel shall be reimbursed by the United Nations after the completion of travel, provided that the necessity and nature of the expenses are satisfactorily explained and supported by proper receipts, which shall normally be required for any expenditures in excess of ~~2030~~ **3030** United States dollars or as established by the Secretary-General. Such expenses, for which advance authorization shall be obtained to the extent practicable, shall normally be limited to:

(i) Local transportation other than that provided for under staff rule 7.9;

(ii) Telephone and other forms of communication required for official business;

(iii) Space, equipment and services required for official use;

(iv) Transportation or storage of authorized baggage or property used for conducting official business.

Rule 7.14
~~Assignment~~ Settling-in grant ~~in grant~~

Definition and computation of the grant

(a) The ~~assignment~~ **settling-in** grant is intended to provide staff with a reasonable amount of cash at the beginning of an assignment for costs incurred as a result of the appointment or assignment and is based on the assumption that the main expenses of installation are incurred at the outset of an assignment.

(b) The ~~assignment~~ **settling-in** grant consists of two portions:

(i) The daily subsistence allowance portion, which shall be equivalent to:

a. Thirty days of daily subsistence allowance at the daily rate applicable under subparagraph (c) (i) below; and

b. Thirty days of daily subsistence allowance at half the daily rate in respect of each **accompanying** eligible family member for whom travel expenses have been paid by the United Nations under staff rule 7.2 (d) (i)-(iii);

(ii) The lump-sum portion, which is calculated on the basis **of one month** of the staff member's net base salary and, where appropriate, post adjustment at the duty station of assignment~~, provided that the staff member is not entitled to removal costs under staff rule 7.16~~.

(c) (i) The Secretary-General may establish and publish special rates of daily subsistence allowance for the purposes of the ~~assignment~~ **settling-in** grant for specific categories of staff at various duty stations. Where such special rates have not been established, the daily subsistence allowance rates under staff rule 7.10 shall be used in computing the ~~assignment~~ **settling-in** grant;

(ii) Under conditions established by the Secretary-General, the limit of 30 days provided in paragraph (b) above may be extended to a maximum of 90 days. The amount of the grant during the extended period shall be up to 60 per cent of the appropriate prevailing rate.

Eligibility

(d) A staff member holding a temporary appointment who travels at United Nations expense pursuant to staff rule 7.1 (a) (i) above shall be paid only the daily subsistence allowance portion of the ~~assignment~~ **settling-in** grant, for himself or herself only, as specified in subparagraph (b) (i) above.

(e) A staff member holding a fixed-term or continuing appointment who travels at United Nations expense to a duty station for an assignment expected to be for one year or more shall be paid a ~~assignment~~ **settling-in** grant in accordance with paragraphs (b) and (c) above.

(f) If a change of official duty station or a new appointment involves a return to a place at which the staff member was previously stationed, the full amount of the ~~assignment~~ **settling-in** grant shall not be payable unless the staff member has been absent from that place for at least one year. In the case of a shorter absence, the amount payable shall normally be that proportion of the full grant that the completed months of absence bear to one year.

Rule 7.15
Excess baggage and unaccompanied shipments

Excess baggage

(a) For the purpose of the Staff Rules, "excess baggage" shall mean any accompanied baggage not carried free of charge by transportation companies.

(b) Staff members travelling by air shall be entitled to reimbursement of the cost of excess baggage for themselves and, for staff members holding fixed-term and continuing appointments, their eligible family members up to a maximum amount established by the Secretary-General.

General provisions on unaccompanied shipments

(c) For the purpose of the Staff Rules, "personal effects and household goods" shall mean effects and goods normally required for personal or household use, excluding animals and power-assisted vehicles.

(d) Unaccompanied shipments shall normally be made in one consignment, and related expenses shall be reimbursed on the basis of the maximum entitlement provided under the present rule for transportation by the most economical means, as determined by the Secretary-General, between the places of departure and destination of the staff member on official travel or his or her family members.

(e) The normal costs of packing, crating and lift vans, cartage, unpacking and uncrating shall be reimbursed for unaccompanied shipments authorized under the present rule, except for shipments under conditions established by the Secretary-General for which the cost of cartage only shall be paid. The costs for the servicing, dismantling, installation or special packing of personal effects and household goods shall not be reimbursed. Storage and demurrage charges shall not be reimbursed unless, in the opinion of the Secretary-General, they are directly incidental to the transportation of the consignment.

(f) The weight or volume of unaccompanied shipments of personal effects and household goods for which expenses are borne by the Organization under the present rule shall include packing but exclude crating and lift vans.

Unaccompanied shipments on home leave, family visit or education grant travel

(g) When the authorized travel is by air or land, charges for unaccompanied shipment of personal effects or household goods relating to travel on home leave, family visit or education grant may be reimbursed up to a maximum amount established by the Secretary-General.

Unaccompanied shipments for staff holding a temporary appointment or staff assigned for less than one year

(h) (i) A staff member holding a temporary appointment may be reimbursed for the shipment of personal effects and household goods, up to a maximum of 100 kilograms or 0.62 cubic metres, by the most economical means on appointment and on separation from service;

(ii) A staff member holding a fixed-term or continuing appointment may be reimbursed for the shipment of personal effects and household goods, up to a

maximum of 100 kilograms or 0.62 cubic metres, by the most economical means when on assignment for less than one year. Where the assignment is extended for a total period of one year or longer, the staff member shall be paid expenses for an additional shipment of personal effects and household goods up to the maximum entitlement established in paragraph (i) below on the condition that staff member's services are expected to continue for more than six months beyond the proposed date of arrival of the personal effects and household goods in line with staff rule 7.17 (b).

Unaccompanied shipments for staff holding a fixed-term or continuing appointment appointed or assigned for one year or longer

(i) On travel on appointment or assignment for one year or longer or when an assignment is extended for a total period of one year or longer, on transfer to another duty station or on separation from service of a staff member, charges for the shipment of personal effects and household goods by the most economical means may be reimbursed up to a maximum amount established by the Secretary-General;

~~(ii) The entitlement to payment for the non-removal of personal effects is defined in staff rule 7.16 (h) and shall arise with respect to internationally recruited staff members who hold a fixed-term or continuing appointment under the following circumstances: the staff member was entitled to but did not opt for removal or the staff member was not entitled to removal.~~

~~**Advanced shipment of personal effects and household goods for staff holding a fixed-term or continuing appointment and who are entitled to removal**~~

~~(j) On travel on appointment, assignment, transfer or separation from service of a staff member for whom removal costs will be paid under staff rule 7.16, a staff member may be reimbursed the costs of advance shipment by the most economical means up to a maximum amount established by the Secretary-General.~~

Additional shipment entitlements for staff serving at designated duty stations

(~~k~~j) Internationally recruited staff members serving at ~~designated duty stations having very difficult conditions of life and work~~ **category D and E duty stations that do not fall under the rest and recuperation framework** shall be granted, under conditions established by the Secretary-General, the following special entitlements:

(i) An additional shipment entitlement once a year by the most economical means of up to a maximum amount established by the Secretary-General in respect of the staff member and each eligible family member for whom the Organization has paid travel costs to the duty station;

(ii) An additional shipment entitlement in connection with the birth or adoption of a child up to a maximum amount established by the Secretary-General;

(iii) In addition to the unaccompanied shipment entitlements under the present rule, the cost of transporting a privately owned motor vehicle to one of the duty stations designated for that purpose may be partially reimbursed under conditions established by the Secretary-General.

Conversion of shipment by surface to unaccompanied shipment by air

(~~l~~k) When the most economical means of shipment is by surface, the entitlement may be converted to unaccompanied shipment by air under conditions established by the Secretary-General.

Rule 7.16
~~Removal and non-removal~~ Relocation shipment

Eligibility ~~for payment of removal costs~~

(a) An entitlement to **~~payment of removal costs related to~~ relocation shipment for full removal of** personal effects and household goods, as defined in staff rule 7.15 (c), shall arise with respect to internationally recruited staff members holding a fixed-term or continuing appointment under the following circumstances and in accordance with conditions established by the Secretary-General:

(i) On initial appointment, provided that the staff member is expected to serve at the new duty station for a period of two years or longer;

(ii) On change of duty station, provided that the staff member is expected to serve at the new duty station for a period of two years or longer;

(iii) On separation from service, provided that the staff member had an appointment for a period of two years or longer or had completed not less than two years of continuous service, and:

a. Had been granted **~~removal~~ relocation shipment** to the duty station or a prior duty station in the course of a period of uninterrupted service; or

b. Had been recruited at the duty station from which he or she was separating and was repatriating to the place of home leave or other location, in accordance with staff rule 7.1 (b).

(b) When an entitlement to **~~payment of removal costs~~ relocation shipment** arises under paragraph (a) above, it shall normally be paid in case of service at headquarters duty stations or other duty stations classified in the same category.

(c) No entitlement to payment **~~of removal costs~~ relocation shipment** shall arise with respect to service at a non-family duty station.

(d) **~~Removal of personal effects and household goods~~ Relocation shipment** shall be by the most economical means at rates and under conditions established by the Secretary-General.

Maximum entitlements

(e) (i) Payment by the United Nations of **~~removal costs~~ relocation shipment** shall be on the basis of maximum **~~weight or volume~~ entitlements** established by the Secretary-General;

(ii) The normal costs of packing, crating and lift vans, cartage, unpacking and uncrating shall be reimbursed. Storage and demurrage charges shall not be reimbursed unless the Secretary-General determines that they are directly incidental to the transportation of the consignment;

(iii) Transportation of personal effects and household goods shall be by the most economical means at rates and under conditions established by the Secretary-General.

(f) ~~Payment of removal expenses~~ **Relocation shipment** shall be on the basis of shipment from and to the following destinations:

(i) On appointment, from the place of recruitment or the place recognized as the staff member's home for purposes of home leave under staff rule 5.2 to the official duty station;

(ii) Upon separation from service, from the official duty station to any one place to which the staff member is entitled to be returned in accordance with the provisions of staff rule 7.1;

(iii) ~~Payment of expenses for removal~~ **Relocation shipment** from or to a place other than those specified may be authorized under terms and conditions defined by the Secretary-General. No expenses shall be paid for removing a staff member's personal effects and household goods from one residence to another at the same duty station.

Storage of personal effects and household goods

(g) When a staff member entitled to ~~payment of removal costs~~ **relocation shipment** is assigned to a new duty station without ~~payment of removal costs~~ **entitlement to relocation shipment** or from a duty station to which he or she had an ~~removal~~ entitlement **to relocation shipment** under paragraph (a) above or would have had such entitlement on appointment from outside the duty station, the United Nations shall pay the costs of storage of personal effects and household goods, subject to conditions established by the Secretary-General and provided that the staff member is expected to return to the same duty station within five years.

~~**Eligibility for payment of non-removal costs and the non-removal element of the mobility and hardship allowance**~~

~~(h) An entitlement to payment for the non-removal of personal effects and the non-removal element of the mobility and hardship allowance, in lieu of removal costs, shall arise with respect to internationally recruited staff members holding a fixed-term or continuing appointment, provided that the staff member did not have an entitlement to or did not opt for full removal of household goods under staff rule 7.16 (b), under the following conditions:~~

~~(i) On initial appointment, provided that the staff member is expected to serve at the new duty station for a period of one year or longer;~~

~~(ii) On change of duty station, provided that the staff member is expected to serve at the new duty station for a period of one year or longer;~~

~~(iii) On separation from service, provided that the staff member had an appointment of one year or longer or had completed not less than one year of continuous service.~~

~~The non-removal allowance shall be payable under conditions established by the Secretary-General and be limited to a period of five years at one duty station.~~

Adjustments to entitlements

(~~i~~**h**) Where both spouses are staff members and each is entitled to ~~**removal of personal effects and household goods**~~ **relocation shipment** or unaccompanied shipment under the present rule, and taking into account staff rule 4.7 (d), the maximum entitlement to ~~**removal at United Nations expense**~~ **relocation shipment** for both spouses shall be that provided for a staff member with a spouse or dependent child residing at the official duty station.

(~~ii~~) In cases where, for reasons not attributable to the Organization, the staff member does not complete the period of service in respect of which the United Nations has paid ~~**removal costs or non-removal allowance**~~ **relocation shipment**, these costs may be adjusted proportionately and recovery made under conditions established by the Secretary-General.

Lump sum in lieu of relocation shipment

(j) A lump sum amount may be paid in lieu of the relocation shipment under conditions established by the Secretary-General.

Rule 7.17
Loss of entitlement to unaccompanied shipment or ~~removal expenses~~ relocation shipment

(a) A staff member who resigns before completing two years of service shall not normally be entitled to payment of ~~**removal expenses**~~ **relocation shipment** under staff rule 7.16.

(b) Entitlement to ~~**removal expenses**~~ **relocation shipment** under staff rule 7.16 (a) shall normally cease if ~~**removal**~~ **the relocation shipment** has not commenced within two years of the date on which the staff member became entitled to ~~**removal expenses**~~ **relocation shipment** or if the staff member's services are not expected to continue for more than six months beyond the proposed date of arrival of the personal effects and household goods.

(c) On separation from service, entitlement to unaccompanied shipment expenses under staff rule 7.15 (h) and (i) or ~~**removal expenses**~~ **relocation shipment** under staff rule 7.16 shall cease if the shipment ~~**or removal**~~ has not commenced within two years of the date of separation. However, in accordance with staff rule 4.7 (d), where both spouses are staff members and the spouse who separates first is entitled to unaccompanied shipment or ~~**removal expenses**~~ **relocation shipment**, his or her entitlement shall not cease until two years after the date of separation of the other spouse.

Rule 9.8
Termination indemnity

(d) Upon application of a staff member who is to be separated as a result of an agreed termination of appointment or because of abolition of post or reduction in staff and who is within 2 years of age 55 years and 25 years of contributory service in the United Nations Joint Staff Pension Fund or who is over that age and within 2 years of 25 years of contributory service, the Secretary-General may place such staff member on special leave without pay for pension purposes pursuant to staff rule 5.3 (**ed**) under conditions to be established by the Secretary-General.

Rule 9.9
Commutation of accrued annual leave

(a) If, upon separation from service a staff member has accrued annual leave, he or she shall be paid a sum of money in commutation of the period of such accrued leave up to a maximum of 18 working days for staff holding a temporary appointment and up to a maximum of 60 working days for staff holding a fixed-term or continuing appointment, in accordance with staff rules 4.17 (c), 4.18 and 5.1. The payment shall be calculated:

(i) For staff in the Professional and higher categories, on the basis of the staff member's net base salary plus post adjustment;

(ii) For staff in the Field Service category, on the basis of the staff member's net base salary plus post adjustment;

(iii) For staff in the General Service and related categories, on the basis of the staff member's gross salary, including language allowance, if any, less staff assessment according to the schedule of rates set forth in staff regulation 3.3 (b) (ii) applied to the gross salary alone.

(b) No payment in commutation of the period of accrued annual leave shall be made to a staff member who is dismissed under staff rule 10.2 (a) (ix) for sexual exploitation or sexual abuse in violation of staff rule 1.2 (e).

Rule 10.4
Administrative leave pending investigation and the disciplinary process

(b) A staff member placed on administrative leave pursuant to paragraph (a) above shall be given a written statement of the reason(s) for such leave and its probable duration.~~, which, so far as practicable, should not exceed three months.~~

Rule 13.10
Repatriation grant

A staff member who was eligible for a repatriation grant under staff rule 3.19 in effect on 30 June 2016, but who is no longer eligible for such grant under the present staff rule 3.19, shall be paid a repatriation grant in accordance with the schedule set out in annex IV to the Staff Regulations in effect on 30 June 2016 for the number of years of qualifying service accrued as of 30 June 2016.

Rule 13.11
Dependency allowances

(a) A staff member in the Professional and higher categories or in the Field Service category, who is not in receipt of the single parent allowance but is in receipt of the dependent rate of salary in respect of a first dependent child on 31 August 2017, shall be eligible for a transitional allowance in the amount of 6 per cent of net base salary plus post adjustment in respect of that child, effective 1 September 2017.

(b) While in receipt of the transitional allowance, no concurrent payment of the dependent child allowance under staff regulation 3.6 (a) shall be

paid in respect of that child, except where the child qualifies for a special dependency allowance for a disabled child under staff regulation 3.6 (a) (ii).

(c) The amount of the transitional allowance shall be reduced by one percentage point every 12 months thereafter, until the amount of the transitional allowance is equal or less than the amount of the dependent child allowance provided for under staff regulation 3.6 (a), at which time the dependent child allowance shall be payable instead.

(d) The transitional allowance shall be discontinued earlier if the first dependent child in respect of whom the transitional allowance is payable is no longer recognized as a dependent child.

Rule 13.12
Salary scales

(a) The salary levels of staff members in the Professional and higher categories and in the Field Service categories that were higher than those at the maximum step of their grade upon conversion to the unified salary scale on 1 September 2017 shall be maintained as a pay protection measure, until such time as the staff member is promoted or separated from service.

(b) Such salaries shall be adjusted for any consolidation of post adjustment to base salaries as approved by the General Assembly. Pensionable remuneration at those steps shall be maintained and shall be adjusted corresponding to those salaries when the pensionable remuneration scale is adjusted.

Appendix C
Arrangements relating to military service

(e) In the interpretation of staff rule ~~5.3(b)~~**9.6 (e)** the period of special leave without pay for military service shall be counted for the purpose of establishing seniority.

Appendix D
Rules governing compensation in the event of death, injury or illness attributable to the performance of official duties on behalf of the United Nations

Section I
Scope and general provisions

Article 1.1
Purpose and scope

The present rules provide for compensation for death, injury or illness attributable to the performance of official duties on behalf of the United Nations, as set out below. Compensation shall be provided solely to staff members and their

dependants, in accordance with the terms and conditions contained in the present rules.

Article 1.2
Exclusiveness of remedy; non-assignment

Compensation or other forms of recourse provided under the present rules constitutes the sole remedy for service-incurred death, injury or illness. The United Nations will not accept, consider or provide compensation or benefits for service-incurred death, injury or illness except under the present rules. Except as set forth below, compensation and rights shall not be assignable to third parties.

Article 1.3
Terminology

The following terminology applies for the purposes of the present rules:

(a) Claimant: the staff member or dependant, as defined below, bringing a claim under these rules.

(b) Dependant: the spouse, dependent child, or secondary dependant as set forth in the Staff Rules. Compensation payable on the basis of or benefit payable to a dependent child or secondary dependent sibling ceases at the day the dependent child or secondary dependent sibling reaches the age of 18, or 21 if he or she is attending university or its equivalent full-time. This restriction does not apply where and as long as the dependent child or secondary dependent sibling has a disability that is permanent or for a period that is expected to be long-term that prevents gainful employment.

(c) Minor: an individual under the age of 18, or the age of majority under the laws of the country of residence of such individual, if the age of majority in the individual's country of residency is less than 18 years of age.

(d) Illness: a deterioration in health as confirmed by a physician authorized to practise medicine by a competent authority.

(e) Injury: a physiological impairment as confirmed by a physician authorized to practise medicine by a competent authority.

(f) Incident: an event causing the death, injury or illness underlying a claim.

(g) Commute or commuting: travel by reasonable means of transportation and on a direct route, by time or distance, between place of work and residence. A direct route is deemed to commence upon departure from, or be terminated on arrival at, United Nations premises or the property line at the designated place of work or the property line of the staff member's place of residence, such residence including yards, lawns, driveways, garages, stairways, entrances, elevators, basements, hallways or common areas, without deliberate deviation from such route.

(h) Reasonable means of transportation: a generally accepted means of transportation under the circumstances. Transportation by a particularly hazardous means is not considered a reasonable means of transportation for the purposes of the present rules.

(i) Service-incurred death, injury or illness: a death, injury or illness where the death, injury or illness is directly attributable to the performance of official

duties on behalf of the United Nations under the terms and conditions set out in the present rules.

(j) Pensionable remuneration: the definition of pensionable remuneration is set out in article 51 of the Regulations of the United Nations Joint Staff Pension Fund. If the staff member was not a participant in the Fund at the date of his or her death, injury or illness, remuneration shall be that which, had the staff member been a participant, would have been considered his or her pensionable remuneration at that date.

(k) Last pensionable remuneration: the pensionable remuneration at the time of (i) the incident, in the case of permanent disfigurement or permanent loss of function; (ii) the separation from service, in the case of total disability; or (iii) the date of death, in the case of death. If the staff member was not a participant in the United Nations Joint Staff Pension Fund at the date of the staff member's death, injury or illness, the remuneration shall be that which, had the staff member been a participant, would have been considered his or her pensionable remuneration at that date.

(l) United Nations Joint Staff Pension Fund benefits: the definition of Fund benefits is set out in article 3.7 below, on the relation to benefits under the United Nations Joint Staff Pension Fund.

(m) Lump sum: a one-time payment of compensation.

(n) Pre-existing medical condition: an illness, injury or impairment that exists prior to the incident resulting in the service-incurred death, injury or illness.

(o) Total disability: incapacity for further work reasonably compatible with the claimant's abilities, in which such incapacity is due to a service-incurred injury or illness that is likely to be long-term or permanent. The resulting incapacity must have a significant adverse impact on the claimant's actual earnings, as determined by the Secretary-General under the Staff Rules. A determination of total disability under the Staff Rules shall be independent of a finding of disability under the Regulations of the United Nations Joint Staff Pension Fund.

Article 1.4
Advisory Board on Compensation Claims

(a) The Secretary-General has established the Advisory Board on Compensation Claims to consider claims for compensation arising from a service-incurred death, injury or illness and to make recommendations thereon to the Secretary-General.

(b) The Board may adopt procedures as it considers necessary for discharging its functions under the present article, provided that, in cases of conflict, the present rules prevail.

(c) Composition of the Board:

(i) Voting members:

a. Three representatives of the Administration appointed by the Secretary-General;

b. Three representatives of the staff appointed by the Secretary-General on the recommendation of the staff representative bodies;

(ii) Ex officio members:

a. Representatives from the Office of Legal Affairs and the Medical Services Division of the Secretariat may be appointed by the Secretary-General to serve as ex officio representatives. Representatives from the United Nations Joint Staff Pension Fund may be appointed by the Chief Executive Officer of the Fund to serve as ex officio representatives;

b. Such ex officio representatives shall serve in an advisory capacity to the Board to provide guidance to the Board with respect to the interpretation of the rules and issues relevant to their offices.

Article 1.5
Secretary of the Advisory Board on Compensation Claims

(a) The Secretary of the Advisory Board on Compensation Claims shall be designated by the Secretary-General or other authorized official. The Secretary may not, at the same time, be a member of the Board.

(b) The Secretary of the Board is responsible for preparing claims submitted under the present rules for consideration by the Board or the official with delegated authority to consider *de minimis* claims, as set forth in article 1.6 below. In discharging his or her functions and responsibilities under these rules, the Secretary will seek to obtain sufficient and relevant documentary evidence from appropriate sources.

Article 1.6
***De minimis* claims**

If it is determined that: (a) The potential cumulative cost to the United Nations of a claim is less than an amount determined by the Secretary-General or officials with delegated authority; and (b) the claim is solely for reimbursement of medical expenses, funeral expenses, compensation for permanent disfigurement or loss of function, or granting of sick leave credit, the official with delegated authority to consider such *de minimis* claims may make determinations on the compensability of a claim, without the consideration of the Advisory Board on Compensation Claims. If the official with delegated authority to consider *de minimis* claims makes a determination on a claim, and the claim later exceeds the amount for *de minimis* claims, the claim shall be presented to the Board for new consideration.

Article 1.7
Role of the Medical Services Division

(a) The Medical Services Division shall make a medical determination for consideration by the Advisory Board on Compensation Claims or the official with delegated authority to consider *de minimis* claims. Such a determination may include:

(i) Whether a death, injury or illness is directly causatively related to an incident;

(ii) Whether a death, injury or illness is directly causatively related to the performance of official duties;

(iii) Whether treatment or services are directly related to a service-incurred injury or illness;

(iv) Whether treatment or services are reasonably necessary for the treatment of such an injury or illness;

(v) Whether medical expenses are at a reasonable cost for the treatment or services provided;

(vi) Whether absence from work is directly related to a service-incurred injury or illness;

(vii) Whether a claimant has reached maximum medical improvement, in order to assess a permanent loss of function;

(viii) Permanent disfigurement or loss of function;

(ix) Total disability.

(b) In accordance with staff rule 6.2 (g), a staff member may be required to undergo a medical examination by a medical practitioner designated by the United Nations Medical Director, with the cost to be borne by the Organization, in order to clarify findings or to further assess the claim in connection with any of the determinations made pursuant to the present article. A staff member may also be required to provide further information in connection with any of the determinations made pursuant to the present article.

Article 1.8
General obligations of claimant

(a) The claimant must provide the evidence necessary to fully support a claim for compensation in accordance with these rules.

(b) The claimant must fully and promptly comply with any request by the United Nations in connection with a claim, or the recovery of payments from third parties pursuant to section IV of the present rules.

(c) In accordance with article 3.8 below, the claimant must inform the Advisory Board on Compensation Claims of any compensation under governmental, institutional, industrial or other workers' compensation schemes or insurance for which the claimant may be eligible in connection with the death, injury or illness underlying a claim.

(d) The claimant must inform the Secretary of the Board of any changes relevant to a claim, including any changes in medical condition.

(e) The claimant shall provide, as requested, periodic attestation of continued eligibility to receive periodic compensation under the present rules.

Article 1.9
Fraud, misrepresentation and omission of material fact

(a) If a claimant makes a submission or a claim that is fraudulent, contains a material misrepresentation or omits a material fact, all claims related to the incident by that claimant shall be denied, all compensation or benefits payable to the claimant in relation to the claim shall be terminated and all payments made in relation to the claim shall be subject to recovery.

(b) When made by staff members, such claims may constitute misconduct under chapter X of the Staff Rules, and may result in disciplinary measures.

Section II
Requirements and conditions for coverage

Article 2.1
Procedural requirement for the filing of a claim

Notice

(a) As soon as practicable after the incident, a claimant should submit to the relevant human resources or executive or administrative officer in writing the following information:

(i) The staff member's and claimant's name, addresses and staff identification number;

(ii) The date of death or of the onset or diagnosis of an injury or illness;

(iii) A description of the incident, including its date, time and location.

Claim

(b) Within one year of the relevant date, as established below in article 2.1 (c), a claimant shall submit a signed Advisory Board on Compensation Claims claim form, together with the following information, as applicable:

(i) For claims involving injury or illness: a. a description of the injury or illness; b. a description of the relation of the injury or illness to the incident; c. a diagnosis; and d. a prognosis. Such information must be provided in writing by the staff member's physician. The claimant must also submit the results of all relevant medical tests;

(ii) For claims for reimbursement of medical expenses: a. a completed Advisory Board on Compensation Claims medical expense form; b. all related medical bills; and c. proof of payment of such bills.

All required forms and supporting documentation may be submitted through a national mail service provider, other international courier service or electronically by e-mail or by other designated tool and are deemed received only upon actual receipt.

Effective dates

(c) The time limitations for submission of the above required forms and supporting documentation will be determined on the basis of the following:

(i) Injury or illness: the date of the incident shall be either the event or the period over which an exposure occurred. It shall be the date of the incident for cases where symptoms are apparent immediately or the date on which the staff member becomes aware, or reasonably should have been aware, of such injury or illness, whichever is earlier;

(ii) Death: the date of death shall be established by a duly issued certificate of death.

(d) A determination on whether the claimant has complied with the time limitations for the filing of a claim, or other such procedural requirements, shall be made by the Board or the official with delegated authority to consider *de minimis* claims.

(e) The deadline for the filing of a claim, including all necessary supporting documentation, may be waived on an exceptional basis by the Board or the official with delegated authority to consider *de minimis* claims, in consultation with the Medical Services Division, in cases in which the claimant demonstrates that the delay was the result of incapacity. If a waiver is made, the claim must be submitted within the deadlines set out in article 2.1 (b) above, as applicable, the time frame for which will begin from the date of the cessation of the incapacity.

Article 2.2
Eligibility for coverage

(a) To be eligible to receive compensation under the present rules, the death, injury or illness underlying a claim must be service-incurred, as assessed in accordance with article 2.2 (d) below.

(b) The Advisory Board on Compensation Claims will assess whether the death, injury or illness is service-incurred and provide its recommendation on a claim to the Secretary-General. For *de minimis* claims, the official with delegated authority to consider *de minimis* claims will assess whether the death, injury or illness is service-incurred and take a decision on the claim on behalf of the Secretary-General.

(c) Such an assessment will be based on the claimant's submissions, and, as appropriate, the recommendations of the Medical Services Division, technical advice from ex officio members of the Board and any other relevant documentary or other evidence.

Service-incurred death, injury or illness

(d) A death, injury or illness is service-incurred if it is directly attributable to the performance of official duties on behalf of the United Nations, in that it occurred while engaged in activities and at a place required for the performance of official duties.

(i) Incidents on the United Nations premises: if an incident occurs on United Nations premises, the resulting injury, illness or death, may be service-incurred, unless at the time of the incident the staff member is engaged in an activity outside the scope of the staff member's official duties;

(ii) Incidents off the United Nations premises: if an incident occurs away from the United Nations premises, the resulting injury, illness or death may be service-incurred if such death, injury or illness would not have occurred but for the performance of official duties, and if the incident occurred in any of the following circumstances:

a. During duly authorized official travel, subject to article 2.3 (a) (iii) below;

b. In the course of the staff member's commute, as defined in article 1.3 above;

c. While the staff member is otherwise in transit by direct route or at a location required for the performance of official duties.

(iii) An incident that occurs during the following types of official travel may be service-incurred only in cases in which the incident occurs during travel between the departure location and the destination location, as set out in the applicable travel authorization and itinerary:

a. Home leave travel;

b. Rest and recuperation travel;

c. Family visit travel;

d. Education grant travel in lieu of the child's travel;

e. Medical evacuation travel not related to a prior service-incurred injury or illness; or

f. Medical evacuation upon request by the staff member to his or her home country.

(iv) Special hazards: a death, injury or illness may be service-incurred if a staff member is on official travel or assigned to an area involving special hazards, as documented and addressed by authorized United Nations security and safety officials and the underlying incident occurred as a direct result of such hazards.

Aggravation of a pre-existing medical condition

(e) Claims based, in whole or in part, upon any aggravation of a pre-existing medical condition shall not be compensated unless such aggravation is service-incurred, and such compensation shall be solely for the proportion of the injury or illness deemed service-incurred.

Article 2.3
Excluded claims

(a) Claims shall not be compensable under the present rules if compensation is expressly excluded under conditions established by the Secretary-General, or where the death, injury or illness is the direct result of any of, but not limited to, the following:

(i) Misconduct, recklessness or gross negligence by the staff member, including, but not limited to, an act or omission with the intent to cause harm or death to himself or herself or others;

(ii) Disregard by the staff member of security instructions provided or made reasonably accessible to the staff member;

(iii) Failure by the staff member to use appropriate safety devices or medical prophylaxis provided by the United Nations, unless and only to the extent that the death, injury or illness would have happened even with the use of such device or prophylaxis;

(iv) Physical confrontation or other violence by the staff member, unless reasonably required by the circumstances or as part of the staff member's official duties;

(v) Medical condition or other factors unrelated to the performance of official duties of the staff member, including, without limitation, pre-existing medical conditions, as defined in article 1.3;

(vi) Incident having occurred while the staff member was working remotely from home or another authorized location outside the United Nations premises, known as "telecommuting" or "teleworking".

Wear and tear to medical devices

(b) Ordinary wear and tear to medical devices, such as prosthetics and hearing aids, are not compensable, unless such device was granted in connection with a previously approved claim.

Section III
Compensation

In the event of a service-incurred death, injury or illness, the claimant will be awarded compensation as provided below, without payment of interest thereon. All such compensation, including adjustments thereto, shall be payable solely in United States dollars.

Article 3.1
Injury or illness

In the event of a service-incurred injury or illness, the following provisions shall apply:

Expenses

(a) The United Nations shall pay all medical expenses which are found by the Medical Services Division to be:

(i) Directly related to a service-incurred injury or illness;

(ii) Reasonably medically necessary for the treatment or services provided; and

(iii) At a reasonable cost for the treatment or services provided.

Sick leave

(b) Initial authorized absences in connection with a service-incurred injury or illness shall be charged to the staff member's sick leave entitlement under staff rule 6.2 until such entitlement is exhausted or the staff member returns to active duty. Subject to meeting all requirements, article 3.9 may apply.

Article 3.2
Total disability

In the event of total disability, upon the exhaustion of the sick leave entitlements pursuant to article 3.1 (b) above and upon the cessation of salary and

allowances payable under the applicable Staff Regulations and Rules, the staff member shall receive annual compensation equivalent to 66.66 per cent of his or her last pensionable remuneration or, if the staff member has a dependent child, 75 per cent of the last pensionable remuneration. Such compensation shall be payable at periodic intervals for the duration of the disability and in addition to compensation payable under article 3.1 (a), as applicable.

Article 3.3
Death

In the event of the service-incurred death of a staff member, the following provisions shall apply:

Funeral costs

(a) The United Nations shall pay a reasonable amount for the preparation of the remains and for funeral expenses, but no more than three times the monthly G-2, step I, pensionable remuneration applicable at the time of death for the country where the funeral takes place, or, where there is no pensionable remuneration scale for the country where the funeral takes place, the pensionable remuneration scale for Headquarters in New York.

Expenses

(b) The United Nations shall pay medical expenses incurred prior to the date and time of a death which is found by the Medical Services Division to be:

(i) Directly related to a service-incurred injury or illness;

(ii) Reasonably medically necessary for the treatment or services provided; and

(iii) At a reasonable cost for the treatment or services provided.

Travel and repatriation costs

(c) Expenses for the travel of an eligible family member to attend the funeral or for an eligible family member or other designated individual to accompany the remains of a deceased staff member as well as the costs for the repatriation of the remains shall be borne under conditions established by the Secretary-General.

Article 3.4
Survivor dependants

Maximum compensation

(a) In the event of a service-incurred death of a staff member, the United Nations shall pay the compensation provided below to the staff member's spouse or other eligible dependant(s), provided that the total annual compensation payable shall not exceed 75 per cent of the last pensionable remuneration of the deceased staff member.

Spouse

(b) A spouse shall receive annual compensation payments, payable at periodic intervals, equal to 50 per cent of the deceased staff member's last

pensionable remuneration. In the event of multiple spouses, such compensation shall be divided equally among the spouses. Upon the death of a spouse, his or her share shall be divided among any remaining spouses.

Dependent child

(c) (i) Each dependent child shall receive annual compensation, payable at periodic intervals in accordance with article 3.5 below, equal to 12.5 per cent of the deceased staff member's last pensionable remuneration. If there are two or more dependent children, the compensation payable shall not exceed the maximum set out in article 3.4 (a) and shall be divided equally among such dependent children.

(ii) If there is no surviving spouse, then in lieu of the compensation provided under article 3.4 (c) (i), a dependent child shall receive annual compensation, payable at periodic intervals and in accordance with article 3.5, equivalent to the amount provided under article 3.4 (b) for one dependent child in addition to an annual compensation, payable at periodic intervals and in accordance with article 3.5, equal to the amount provided under article 3.4 (c) (i) for all additional dependent children. Such compensation shall be divided equally among such dependent children.

Secondary dependants

(d) If there is neither a spouse nor a dependent child and there is a secondary dependant, the following compensation shall be paid:

(i) To a dependent parent, annual compensation, payable at periodic intervals, equivalent to 50 per cent of the staff member's last pensionable remuneration;

(ii) To a dependent sibling, annual compensation, payable at periodic intervals and in accordance with article 3.5 below, equal to 12.5 per cent of the staff member's last pensionable remuneration.

Article 3.5
Payments to minors

Payment of any compensation under the present rules to a minor shall be made to the minor's parent or legal guardian. All such compensation must be used in its entirety for the sole benefit of the minor.

Article 3.6
Permanent disfigurement or loss of function

(a) In the case of a service incurred injury or illness resulting in permanent disfigurement or loss of function, a lump sum shall be paid to the staff member in the amount obtained by multiplying three times the staff member's pensionable remuneration at the time of the incident by the percentage of the degree of loss of function attributable to the service-incurred injury or illness pursuant to guidelines approved by the Medical Services Division for such a determination.

(b) Regardless of duty station, the staff member's pensionable remuneration utilized in the immediately preceding calculation may not exceed the pensionable remuneration of a P-4, step VI, and may not be less than the pensionable

remuneration of a G-2, step I, at Headquarters in New York applicable at the time of the incident:

(i) In the event that the staff member's pensionable remuneration exceeds the pensionable remuneration of a P-4, step VI, the pensionable remuneration utilized in the immediately preceding calculation shall be that of a P-4, step VI;

(ii) In the event that the staff member's pensionable remuneration is less than the pensionable remuneration of a G-2, step I, at Headquarters in New York, the pensionable remuneration utilized in the immediately preceding calculation shall be that of a G-2, step I, at Headquarters in New York.

Article 3.7
Relation to benefits under the United Nations Joint Staff Pension Fund

Compensation awarded pursuant to the provisions set out below is intended to supplement the benefits under the Regulations of the United Nations Joint Staff Pension Fund in accordance with the following provisions:

(a) Any compensation otherwise payable under articles 3.2 or 3.4 above shall be reduced by the amount of the claimant's disability benefit or a survivor's benefit under the Regulations of the United Nations Joint Staff Pension Fund. Deductions made under the present rules shall in no case have the effect of reducing the compensation otherwise payable to less than 10 per cent thereof, provided in all cases that the total annual amount payable both under the present rules and under the Regulations of the Fund shall in no event exceed 75 per cent of the staff member's last pensionable remuneration.

(b) The sum of (i) benefits under the Fund and (ii) compensation payable under articles 3.2 and 3.4 above, after being adjusted under the present rules, shall in no event exceed 75 per cent of the staff member's last pensionable remuneration.

(c) When benefits under the Fund are adjusted for variations in cost of living, compensation payable under articles 3.2 and 3.4 above shall be correspondingly adjusted.

Article 3.8
Relation to non-United Nations compensation

(a) In determining the amount of compensation payable under the present rules, the amount of any compensation or benefits under governmental, institutional, industrial or other workers' compensation schemes, but not personal insurance, for which claimants qualify shall be deducted from any amounts payable hereunder.

(b) The claimant shall not be entitled to compensation or receive reimbursement under the present rules for medical expenses related to a service-incurred death, injury or illness if such expenses:

(i) Have already been compensated or are compensable under such governmental, institutional, industrial or other workers' compensation schemes; or

(ii) Have been reimbursed by health or medical insurance.

(c) The claimant shall inform the Advisory Board on Compensation Claims without delay of any compensation under governmental, institutional, industrial or

other workers' compensation schemes or insurance for which the claimant may be eligible in connection with the death, injury or illness underlying a claim.

Article 3.9
Relation to other benefits under the Staff Rules

Special leave

(a) Once a staff member's sick leave entitlement has been exhausted pursuant to article 3.1 (b), and if such staff member has not separated from the United Nations, the staff member may be placed on special leave pursuant to staff rule 5.3.

Sick leave credit

(b) Sick leave credit, which is a grant of some or all of the sick leave entitlement which has been used for a service-incurred injury or illness, may be granted in the following cases:

(i) To maintain the full pay status of a staff member when sick leave is approved by the Medical Services Division for an injury or illness which is not service-incurred and when the claimant has insufficient sick leave for such non-service-incurred injury or illness due to a prior use of sick leave for a separate injury or illness, which was recognized under the present rules as service-incurred. Such a grant is limited to the maximum extent of the prior sick leave used for the separate service-incurred injury or illness. No credit will be granted for any sick leave already revived under the time frames of staff rule 6.2 (b);

(ii) To maintain the full pay status of a staff member being considered for a disability benefit pursuant to article 33 (a) of the Regulations of the United Nations Joint Staff Pension Fund, who has exhausted his or her sick leave entitlement. A determination as to whether a claimant should be considered for such a benefit shall be made in consultation with the Medical Services Division pursuant to the established procedures of the United Nations and the Regulations of the United Nations Joint Staff Pension Fund. Such sick leave credit may be granted solely to maintain full pay status until the date of termination of the staff member's appointment or other separation from service pursuant to article 33 (a) of the Regulations of the United Nations Joint Staff Pension Fund, unless other arrangements apply during that period under conditions established by the Secretary-General.

Home travel

(c) A staff member who is unable to work for a period of at least six months due to a service-incurred injury or illness, and for whom the Medical Services Division has so certified, may request consideration for a special travel allowance for travel of the staff member and eligible dependents to the place of entitlement, pursuant to chapter VII of the Staff Rules, and for their return travel when the staff member returns to duty. If such travel is commenced or terminated within 12 months of the staff member's eligibility for home leave entitlement pursuant to staff rule 5.2 and chapter VII of the Staff Rules, such special travel allowance shall be deemed to be in lieu of the staff member's home leave entitlement. If the staff

member does not return to duty, such special travel allowance shall be deemed to be in lieu of travel on separation pursuant to chapter VII of the Staff Rules.

Section IV
Recoveries

Article 4.1
Claims against third parties

Notice

(a) All persons who submit a request for compensation for a service-incurred death, injury or illness under the present rules must notify the Secretary-General in writing at the earliest possible time of any claims, demands or rights that they have pursued, that they are pursuing or that they intend in the future to pursue against any third party or parties in connection with such service-incurred death, injury or illness.

Assignment of rights

(b) If, in the opinion of the Secretary-General, a claimant has a claim, demand, or right against a third party or parties, including a third party insurance carrier, for damages or other payment(s) in connection with a service-incurred death, injury or illness, the Secretary-General may, as a condition for granting any compensation to the claimant, require the claimant to assign such claim, demand or right to the United Nations so that the United Nations may pursue or enforce the claim, demand or right in the place of the claimant.

Assistance in pursuing or enforcing claims, demands or rights

(c) Where the United Nations has decided to pursue a claim, demand or right against a third party or parties pursuant to subparagraph (b) above, the claimant shall provide to the United Nations all assistance and cooperation that is necessary for pursuing or enforcing the claim, demand or right, including participating in any suit or proceedings.

Settlement

(d) The United Nations is entitled to settle any claim, demand or right against a third party or parties pursuant to subparagraph (b) above on such terms and conditions as it determines to be reasonable. A claimant, who has assigned a claim, demand or right under subparagraph (b), shall provide the United Nations all assistance as may be required to reach a settlement, including, but not limited to, participating in any settlement negotiations and executing all settlement-related documents. The claimant shall not, under any circumstances, settle any claim, demand or action with any third party or parties without the express written consent of the United Nations.

Proceeds

(e) Where compensation or proceeds have been received from a third party or parties as a result of a suit, proceedings or a settlement reached pursuant to subparagraphs (b)-(d) above, such compensation or proceeds shall be applied:

(i) First, to pay in full the costs of the suit, proceedings or settlement, including reasonable attorney fees;

(ii) Second, to reimburse the United Nations for any compensation provided to the claimant pursuant to these rules; and

(iii) Third, to pay the remaining amounts to the claimant.

Future claims

(f) Any amount of compensation that a claimant may be entitled to receive in the future pursuant to the present rules shall be first used to offset any monies received by the claimant under subparagraph (e) (iii) above.

Article 4.2
Recovery of overpayments

(a) If the United Nations has paid a claimant in excess of any compensation payable under the present rules, the United Nations will notify the claimant of the amount of overpayment and request reimbursement.

(b) If immediate reimbursement in full is not feasible, any future periodic payments of compensation payable to the claimant under the present rules shall be reduced by 20 per cent until the overpayment has been reimbursed in full. If immediate reimbursement in full of any lump-sum payment made under the present rules is not feasible, the Secretary-General will seek recovery by means including, but not limited to, the reduction of any future lump sum payments of compensation payable to the claimant under the present rules by the entire amount of the overpayment.

Section V
Reconsideration, review and appeal

Article 5.1
Reconsideration of medical determinations

Claimants wishing to contest a decision taken on a claim under the present rules, when that decision is based upon a medical determination by the Medical Services Division or the United Nations Medical Director, shall submit a request for reconsideration of the medical determination under conditions, and by a technical body, established by the Secretary-General.

Article 5.2
Review and appeal of administrative decisions

Claimants wishing to contest a decision taken on a claim under the present rules, to the extent that the decision was based on considerations other than a medical determination, shall submit to the Secretary-General a written request for management evaluation in accordance with staff rule 11.2.

Article 5.3
Reopening of claims

Upon a written request by a claimant, or at the initiative of the Secretary-General, a claim made under the present rules may be reopened when one or more of the following criteria are met:

(a) The discovery of new material evidence, if such new material evidence may materially affect:

(i) A determination as to whether a death, injury or illness was service-incurred; or

(ii) A relevant medical determination;

(b) A worsening or improvement in the condition of the staff member, where such worsening or improvement is directly related to the service-incurred injury or illness, and which may entitle the staff member to additional compensation, or warrant the reduction or elimination of compensation;

(c) A material mistake was made by the United Nations in the processing of a claim that impacted its disposition.

When a claim is reopened subject to the provisions above, any such claim shall be considered in accordance with the present rules. The Secretary-General and the claimant shall be bound by determinations previously made, unless new material evidence or material mistake undermines or otherwise calls into question in substantial part those determinations.

Section VI
Transitional measures

Article 6.1
Transitional measures

(a) For claims filed for incidents occurring after the entry into force of the present revised rules, such revised rules will be applied.

(b) For claims filed for incidents that occurred prior to the entry into force of the present revised rules, the previously applicable rules will be applied, except that annual compensation for widows or widowers under the former article 10.2 will continue to be payable provided that the widow or widower has not remarried prior to the entry into force of the present revised rules.